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## FOREWORD TO THE REVISED EDITION

The White Paper on Indian States issued on July 5, 1948, contained a survey of the developments in respect of States during the first year of the existence of the Ministry of States. During the period of a year and a half which has followed the issue of that White Paper, the policy of integration pursued by the Government of India has made further progress. The States integrated during this period include Mayurbhanj, Kolhapur, Baroda, Rampur, Tehri-Garhwal, Benaras and Cooch-Bihar, which have been merged in Provinces; Bhopal, Tripura and Manipur which have been taken over as centrally administered units; Travancore and Cochin, whose Union emerges as a new unit on the Indian map; and the remaining Rajputana States of Bikaner, Jaipur, Jodhpur and Jaisalmer which have been integrated in the reconstituted United State of Rajasthan. An outstanding development during this period has been the establishment of constitutional relationship between the Centre and the State of Hyderabad.

2. The process of welding over 500 diverse States into viable and sizeable units and converting them into democracies has now been carried to its final objective. This process started with the elimination of the chain of small States that severed the Provinces of Orissa and Bihar from the Central Provinces; next it solved the cross-jurisdictional puzzle of the vast assemblage of the States of Kathiawar; and, as it gathered momentum, its wide sweep covered even a number of major States. As against five hundred and odd units known as States, the new Constitution of India specifies in Part B of the First Schedule only 8\* such units.

3. The operations for revivifying the palsied limbs of India's body-politic were rendered swift and smooth by the welcome realisation on the part of the Princes that in a free India it would be unpatriotic for them to cling to a legalistic stand on time-worn treaties or their anachronistic prerogatives and powers. Moving voluntarily with the times, the Princes, big and small, co-operated in exploding the myth that India's independence would founder on the rock of Princely intransigence. The edifice of democratic India rises on the true foundation of the co-ordinated effort of the Princes and the people.

4. The task of reconstruction of States is not over with the signing

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\* Of the nine States specified in Part B, Vindhya Pradesh has been removed from this category under the Constitution (Amendment of the First and Fourth Schedules) Order, 1950, issued by the Governor General on 25th January, 1950.



of the Covenants and Agreements of Merger. It was inevitable that the profound change that has come over the States should bring in its wake a crop of difficult administrative problems. Local affiliations and political habits die hard; not all the newly-established units, therefore, could be expected to settle easily in the new mould. A radical change-over from an autocratic set-up, which had been maintained for a century and a half, to a democratic order and the task of piecing together into a co-ordinated pattern the diverse administrative systems of integrated States could by no means be easy. In many States, even the rudiments of administrative machinery did not exist. In a number of others political and administrative institutions were to be found only in an embryonic stage. The problem, therefore, is not merely one of replacing the superstructure of the administrative systems in States; nor even of reconstructing in them the organs of State. A modern system of Government has to be built in the States and in many of them a start had to be made from the very beginning. The task requires all the patience of the brick-layer; it also requires the vision of the planner and the skill of the engineer.

5. The process of integration having been completed, the States now enter the phase of consolidation. As compared to integration the building up of a well-knit administration in the States and the inculcation of democratic responsibility in their people are a much harder, though less spectacular piece of work. This work has already been taken in hand. The fact, however, remains that a very considerable leeway has still to be made up in the field of bringing the administration of States to the Provincial level and ushering in a new social and economic order. To this task the Government of India are now bending their energy.

6. What has already been achieved is nothing short of a revolution. Except for a jar in the case of Hyderabad, this revolution has taken place so smoothly and peacefully, and we are so near in time to the events themselves, that a clear appreciation of the magnitude of this achievement may be hampered. Very few even amongst those having faith in the political integrity of the Indian people to say nothing of the prophets of evil and those who worked for India's disruption, viewing the perplexing and gigantic problem of Princely India in the anxious bewildering circumstances following the partition of India, could have conceived as possible, the revolutionary change that has come over India within a short span of about two and a half years.

7. The White Paper, which has now been brought up to date, carries the survey of developments in relation to States right up to the attainment

by them of their legitimate position as full-fledged constituent units of the Indian Union under the new Constitution of India. It has also been expanded to explain fully the historical setting of the problem of the States.

8. The matter contained in the Paper has been re-arranged and divided into twelve Parts. Parts I, II and III deal with the background of the problem; Part IV details the events leading up to the accession of States to the Dominion of India; Part V contains a survey of the process of integration of States; Part VI describes the process of democratisation of States; Part VII outlines the main features of the overall settlements made with the Rulers as embodied in the Covenants and Agreements of Merger; Part VIII shows the progress made in the direction of the consolidation of the gains from the administrative integration of States in the field both of the establishment of a modern system of Government in the integrated States and of the approximation of their constitutional relationship with the Centre to that of the Provinces; Part IX explains the scheme of the Federal Financial Integration of States; Part X describes the nature of the Centre's responsibility during the transitional phase in respect of the States and the manner in which it is proposed to discharge this responsibility; Part XI describes the position of the States under the new Constitution; and finally Part XII surveys in retrospect the operation of the Government of India's policy of integration and democratisation of States.

March, 1950.

In the opening paragraph of its report the Butler Committee observed:

“Politically there are.....two Indias, British India, governed by the Crown according to the statutes of Parliament and enactments of the Indian Legislature, and the Indian States under the suzerainty of the Crown and still for the most part under the personal rule of the Princes. Geographically India is one and indivisible, made up of pink and yellow. The problem of statesmanship is to hold the two together.”

2. That is how 19 years ago the problem of the Indian States presented itself to the authors of this important report on the Indian States. But were there really two Indias? And was the problem merely to hold them together?

3. A glance at the map showed that geographically India was one and indivisible. The territories of the Indian States were dovetailed into, and closely interwoven with, those of what was then British India. Even where the map showed solid blocks of the Indian States the territories were so irregular that the States had enclaves in the Provinces and *vice versa*.

4. The main part of the communications essential to the welfare of the whole of the country passed in and out of the territories of the Indian States. A community of interests in the wider economic field linked the States with the Provinces. If the States and the Provinces failed to co-operate in implementing policies on matters of common concern, there was a vacuum which rendered it impossible to enforce effective measures in respect of such matters in any part of the country.

5. The geographical set-up of the Indian States did not coincide with any ethnic, racial or linguistic divisions. The peoples of the Provinces and the States had suffered alike from the waves of foreign invasions and foreign domination. Close ties of cultural affinity, no less than those of blood and sentiment, bound the people of the States and the Provinces together.

6. What was it then that separated the Indian States from the rest of India? Firstly, the historical factor that unlike the Provinces the States had not been annexed by the British Government. Secondly, the political factor that the States maintained the traditional monarchical form of Government.

7. Did these factors, however, really segregate the States from the Provinces and create an impassable political barrier between them? The freedom of the Indian States from foreign subjugation was only relative; the Paramount Power controlled the external affairs of the States and exercised wide powers in relation to their internal matters. The whole of the country was, therefore, in varying degrees under the sway of the British Government. Besides, in the context of the demand for India's freedom the degree of control exercised by the British ceased to have any meaning. Nor was there any reason to over-emphasize the political difference between the States and the Provinces. There was nothing incompatible between the systems of governance in the Provinces and the States provided the supremacy of the common popular interests was recognised and representative and responsible Governments were established in the States.

8. India was, then, not only a geographical and cultural continuum but also one economic and political entity. The problem of statesmanship in that case could not merely be to hold the two Indias together. The real problem was how to bring about a clearer appreciation on the part of all political elements in India that they were heirs to the heritage of the common culture of India, and how to weld the States and the Provinces together to raise India to her full stature.

9. On 3rd June, 1947, the plan for the partition of India was announced and accepted by the principal political parties in India. The period of one year following that fateful day will go down as a most momentous one in India's history not only because it was during this year that India attained her freedom, but also because it has witnessed a mighty interplay of two powerful forces. One has been the disruptive force of communal exclusiveness which has led to the secession from India of certain territories and their constitution into an independent State. The other has been the revitalising and uniting force of enlightened mutual interests in a free and resurgent India which has swept away the barriers that separated the Indian States and the Provinces. How far in balance one process has set off the other is for the future to unfold.

10. During the recent months, a tremendous change has come over the Indian States. This change has been brought about by a process of two-fold integration, firstly, consolidation into sizable and viable administrative units, and, secondly, growth of democratic institutions and responsible governments. This bloodless revolution has been brought about, on the one hand, by the operation of democratic forces unleashed by freedom,

and, on the other, by the patriotic attitude of the Rulers who have been quick to appreciate the change.

11. It has been the policy of the Government of India to appropriate the sentiments and the wishes of the people and the sense of public service and patriotism of the Rulers, towards the attainment of the objective that they have had before themselves, namely, the integration of the Provinces and the States in a strong and united India in which the peoples of the States and the Provinces would partake in the fullest measure in the enjoyment of the fruits of freedom.

12. The purpose of this White Paper is to present information, supported by documents, regarding the policy of the Government of India towards the Indian States and the developments that have taken place in respect of the States since 5th July 1947, when the States Department of the Government of India was set up. An analysis of the historical and political background of the problem of the States will be helpful in taking stock of the great change that has come over them during the recent months. This is contained in the first two of the four parts into which this White Paper is divided. The first part gives statistics about the States and outlines their position under the paramountcy of the British Crown. The second part surveys the course of developments since the promulgation of the Government of India Act, 1935, till the Statement issued by His Majesty's Government on 3rd June, 1947. The third part deals with the events leading up to the accession of the States to the Dominion of India. The fourth part deals with subsequent developments in the direction of the integration and democratisation of the States.

13. This White Paper surveys the political trends and developments in respect of the Indian States generally; it does not deal with the States of Hyderabad, Kashmir and Junagadh, where the course of events has been affected by special factors.

July 5, 1948.

## **PART I**

### **THE PROBLEM OF THE STATES**

The problem of Indian States in the form in which it was inherited by free India, was an accident of the ascendancy of British power in India. The institution of rulership had, no doubt, been a recognised feature of ancient Indian polity and the States had studded the map of India even before the advent of the British in this country. However, the Princes, their status and their possessions constituting the Indian States system, as it was stabilised under British rule, were all evolved during the first two decades of the 19th century as a concomitant of the rise of British power in India. It was during this period that a "strange and unknown volcanic force made its way through the soft and yielding strata of Indian society" and "crystallised" Indian States into the form in which they were found at the time of the withdrawal of the British from India. The process of re-moulding the States structure was practically completed as early as 1819 and the framework of this structure was sustained in all its essentials all through the remaining 130 years of British rule in India. The problem of Indian States was an inevitable consequence of a system which virtually brought history to a standstill in a multitude of isolated principalities forming about two fifths of the territory of India and scattered over the whole of this sub-continent.

#### **East India Company's Treaty-Making Activities**

2. The first phase of the East India Company's treaty-making activities, which may be said to have extended from 1757 after the victory of Plassey to the close of the first Lord Minto's Governor-Generalship in 1813, was, generally speaking, marked by a desire to confine British interests to trading in and around the territories in which the British possessed settlements. During this period, the Company was struggling for a foothold in India and it recoiled from the expense and danger of extending its commitments beyond the ringfence of its own territorial acquisitions.

3. To the policy of non-involvement, the treaty-making career of Wellesley formed an exception. Wellesley came to India "inspired with imperial projects". "From the first he laid down, as his guiding principle, that the British must be the one paramount power in India, and that native Princes could only retain the personal insignia of sovereignty by surrendering their political independence." The Subsidiary System introduced by Wellesley contained in it the essentials of the framework of States as it was developed and maintained under British Rule. From the British point of view, the system had distinct advantages. It ensured the

fidelity of the State by the presence of the subsidiary force maintained by the Company at the cost of the State; it enabled "the British to throw forward their military considerably in advance of their political frontier". The system contributed to the breakdown of the internal independence of the States on which it was imposed and paved the ground for advance towards paramountcy.

### **Lord Hastings' Settlements: Policy of Subordinate Isolation**

4. In the second phase which lasted from 1818 to 1857, larger schemes of Empire dawned upon the horizon and dominated the policy of the Company's agents. The march of events in India was leading up to an inevitable swing of the pendulum in the direction of the emergence of the British as the dominant power in India. It was no longer part of prudence to refrain from expansionist or imperial projects. The feudatory system, which may be distinguished from the protected alliance, came into existence with the changed conditions which, after the elimination of the Maharatta power, placed the Company in a position of unquestioned supremacy in India. The considerations underlying the new policy were set out by Metcalfe, one of the principal architects of the British Empire in India, in a letter written in 1816. The passage runs:

"They said that some power in India had always existed, to which the peaceable States submitted, and in return obtained protection against the invasion of upstart Chiefs and the armies of lawless banditti; that the British Government now occupied the place of that protecting power and was the natural guardian of weak States....."

5. The policy of "the ringfence" now gave way to what Lee Warner describes as the policy of "subordinate isolation". From now onwards the place of treaties of mutual amity, friendly co-operation and reciprocal obligations was taken by treaties exhorting co-operation, allegiance and loyalty.

6. The new policy found its expression in the settlements made by the Marquis of Hastings under which the Princes virtually assumed the form in which they were found at the end of British rule in India. By the end of 1819 all States were caught in the wide net of treaties and engagements of subordinate co-operation. The protection guaranteed to the Princes by the British stabilised their position and the surviving States were saved from further disintegration or absorption.

### **Growth of Paramountcy**

7. The principle of paramountcy although elaborated as a political doctrine later was clearly and vigorously asserted during this period. Wellesley was the first Governor-General to feel and act as the Paramount Power and his paramountcy complex was reflected in the attitude of his immediate subordinates. Of the East India Company, Metcalfe wrote in 1806: "Sovereigns you are, as such must act". During the regime of Lord Hastings, the relative position of the parties changed "too decidedly to be governed merely by the written words of treaties". The first clear enunciation of the idea of paramountcy is to be found in Ochterlony's letter to Metcalfe, dated March 21, 1820, in which he writes: "I hope His Lordship will in Virtue of his Power and Paramountcy forbid all future invasions of Surhoie and fix himself a sum which the Rajah must take". In his Minute, 1825, Metcalfe speaks of the fact of paramountcy by which the British Government had itself the "duty as supreme guardians of general tranquillity, law and right to maintain the legal succession". Thus, as early as the first quarter of the 19th century, Metcalfe and Ochterlony had evolved the full doctrine of paramountcy in a form indistinguishable from that held by Lord Reading in his famous letter to the Nizam. (Appendix I.)

### **Evils of Subsidiary System**

8. The Subsidiary System of alliance which guaranteed to the Rulers their position and their possessions not only against external aggression but also against rebellion, revolution or opposition on the part of their subjects, removed all incentive for good government. Insured against the consequences of misrule, the Princes no longer found it necessary to cultivate the goodwill of the people or to maintain efficiency of administration. On the evils of the Subsidiary System, Thomas Munroe wrote as follows:--

"It is the natural tendency to render the Government of every country in which it exists, weak and too oppressive; to extinguish all honourable spirit amongst higher classes of society, to degrade and impoverish the whole people. The usual remedy of a bad Government in India is a quiet revolution in the palace, or a violent one by rebellion. But the presence of the British Force cuts off every chance of remedy by supporting the Prince on the throne against any foreign and domestic enemy. It renders him indolent by



teaching him to trust to strangers for his security; cruel and avaricious by showing him that he has nothing to fear from the hatred of his subjects. Wherever the subsidiary system is introduced, the country will soon bear the mark of it in the decaying villages, a decreasing population”.

9. In every State which came under subsidiary alliance, its influence had the same baneful effect. The situation deteriorated to such an extent that the *London Times* in a leading article described it thus in 1853:—

“We have emancipated these pale and ineffectual pageants of royalty from the ordinary fate that awaits oriental despotism.....This advantage (of securing able and vigorous Princes through rebellion) we have taken away from the inhabitants of the States of India still governed by Native Princes. It has been well said that we give these Princes power without responsibility. Our hand of iron maintains them on the throne despite their imbecility, their vices and their crimes. The result is, in most of the States, a chronic anarchy, under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the Court. The heavy and arbitrary taxes levied on the miserable raiyats serve only to feed the meanest and the most degraded of mankind. The theory seems in fact admitted that the Government is not for the people but the people for the King, and that so long as we secure the King, his *sinecure* royalty, we discharge all the duty that we, as Sovereigns of India, owe to his subjects who are virtually ours”.

10. During the period following the retirement of Lord Hastings, the influence of the Company over the internal administration of the States rapidly increased, and the Company's Residents got gradually “transformed from diplomatic agents representing a foreign power into executive and controlling officers of a superior Government”. The Residents assumed so much of authority that Colonel Macaulay wrote to the Raja of Cochin:

“The Resident will be glad to learn that on his arrival near Cochin, the Raja will find it convenient to wait on him”.

Yet in spite of the increasing interference by the Company in the internal affairs of the States, little was done to mitigate the evils of the

Subsidiary System and the political system based on it. Conscientious statesmen viewed the corruption and tyranny which the Subsidiary System brought in its wake with concern. Mill from his detached position in the India Office advocated the abolition of States. To unscrupulous political adventurers the system provided a happy hunting ground for exercising "power without responsibility" and playing havoc with public funds. There were others who looked upon the States as a safety valve for the 'ignoble elements' of the Indian population, and tolerated with cynicism this scandalous state of affairs.

### The Policy of Annexation

11. The policy of annexation, which was initiated with the annexation of Coorg in 1834, had, as one of its professed objectives, the mitigation of the evils of the Subsidiary System. It was contended that if a scrupulous avoidance of interference in the internal affairs of a host of States was to remain an essential factor in the political system of India then annexation was the only corrective. The new trend found expression in the directive issued by the Directors in 1841: "to persevere in the one clear and direct course of abandoning no just and honourable accession of territory or revenue". The expansion of the Company's dominion in India was sought to be justified not only on the ground of ensuring better Government for the people but also for the protection of the Empire against invasion. Every excuse was now good enough to annex the territories of the States. The accretion of the Punjab and Sind by conquest was sought to be justified by imperial considerations. Satara, Nagpur and Jhansi were annexed by the application of the doctrine of lapse. Coorg and Oudh were annexed by the exercise of the old Moghul right of annexation for gross maladministration. Oudh, "whose wretched Princes were so absolutely loyal that no excuse could ever be imagined for depriving them of their power", was annexed because, in the words of Dalhousie, "the British Government would be guilty in the sight of God and man if it were any longer to aid in sustaining by its countenance an administration fraught with suffering to millions".

12. "Annexation", writes Lee Warner, "was not a mere incident arising from the peculiar views of a single Governor-General or from a temporary reaction against the king-making policy of the previous administration". It was a distinct policy, clearly enunciated and understood by the Court of Directors in England and the Company's agents in India. The policy, of which Dalhousie was the principal exponent, operated towards completing the work of Wellesley and Hastings. Whatever may

have been the considerations underlying the policy of annexation, it had a clear and distinct objective, *viz.*, the extension of the Company's dominion by absorbing "the mischievous anomalies" represented by the "yellow patches" on the map of India.

### States under the British Crown

13. The Mutiny and great revolt of 1857 demonstrated the value of the "yellow patches" to the British Government. Except for some minor defections, the Indian Princes not only remained aloof from the rising but, in certain cases, extended effective assistance to the British to suppress it. Canning gratefully acknowledged the role of the States as "breakwaters in the storm which would have swept over us in one great wave". "Where should we have been now", wrote Elphinstone with his characteristic frankness "if Scindia, the Nizam and the Sikh chiefs, etc., had been annexed, the subordinate Presidencies abolished, the whole army thrown into one and the revenue system brought into one mould". It was now realised that the States could play a most helpful rôle as a bulwark against the forces of Indian nationalism. This led to a radical change in the British policy towards the States. The new policy found expression in 1858; Queen Victoria's proclamation promised, "We shall respect the rights, dignity and honour of native Princes as our own". In 1861, Sanads were issued which guaranteed the Princes, big and small, their status and acknowledged their right of adoption. These sanads were intended to remove mistrust and suspicion and "to reassure and knit the native sovereigns to paramount power". No more was heard of annexation as the only means of granting the "blessings" of civilised government to "the suffering millions". Under the new system described as that of "subordinate union", the supreme power accepted its moral responsibility for a minimum of good government, security, law and order within the territories of the Indian States. The system basically differed but little from the earlier system of subordinate isolation. However, the policy of "cutting the knot which the political practice had failed to untie" so vigorously pursued by Dalhousie, now gave way to a policy of mere window dressing.

### Consolidation of British power as a Unifying Factor

14. The new policy aimed at consolidating not the territories but the powers of the British Government. This involved a process of infiltration into the States, mainly in the economic field, without annexing their territories. Some projects could be undertaken only on a national scale. The lines of communications, the railways and posts could develop only

on a national basis. The one feature which distinguished the British negotiations with the Princes during this period from those which preceded the Great Rebellion, is, the larger attention given to matters of common interest such as communications, currencies, tariff and other fiscal policies, rights and sources of irrigation, extradition, extra-territorial jurisdiction etc. In many of these matters, co-ordination of development policy as between British India and the States was secured either by the execution of formal documents or informal exchange of assurances. It was during this period that on the basis of usage, sufferance and conventions, the edifice of political practice was built up. Paramountcy provided British power an elastic instrument for regulating the relations with the Princes and between British India and the States. It was through paramountcy that the British brought about some kind of working arrangement between the two parts of India and enforced a measure of administrative and economic unity over the country.

15. Paramountcy of the British Crown, as British ingenuity developed it, was the coping stone of the imperial edifice in India. It constituted at once a link and a barrier. On the one hand, it provided a nexus between British India and States and thereby integrated the economic and administrative life of the country. On the obverse side, it drove a wedge between the two parts of India. The policy of "Hands off the Indian States" in British India with its reciprocal implication of "Hands off British Indian concerns" for States, which reared up high walls of isolationism around the States, could be made effective only by the operation of paramountcy.

### **The Influence of the First World War**

16. The growing impact of modern conditions of life was breaking down the isolation of States from one another and from the rest of India and the States began to be drawn into the vortex of questions, mainly economic, which concerned India as a whole. The influences which were working to increase the range of matters in which there was need for a common policy and common action between the Provinces and States gathered momentum during the first World War. The war necessitated the mobilisation of the resources of the entire country; the organisation of the country's war-effort involved closer co-ordination of administrative activity in States as well as Provinces. During the stress of the War, the emphasis was on unity, unity of the British Empire as a whole, on the one hand, and unity between British India and Indian States, on the other. The War, therefore, greatly accelerated the imperceptible process

of infiltration into the States and brought them nearer to what was then British India.

### **Change of Policy towards States owing to possible Constitutional Developments in British India**

17. Until towards the last phase of the first World War, Indian nationalism had not developed into a real challenge to foreign rule in India, nor until then had the grant of responsible Government to British India been viewed as a real possibility. Up to 1909, the position was that such reforms as were introduced were purely administrative and the view expressed by Dufferin in 1888 that "England should never abdicate her supreme control of public affairs" firmly held the field. The objective of the Minto-Morley reforms was not the eventual grant of responsible Government, but the establishment of what Minto described as "a constitutional autocracy". The authors of the reforms scheme of 1909 put it beyond doubt that no parting of power was contemplated. "I am no advocate of representative Government for India in the Western sense of the term" Minto clearly stated. "As heirs to a long series of Indian rulers", he went on to say, "we are bound to reserve to ourselves the ultimate control over all executive action and the final decision in matters of legislation". Morley was equally clear regarding the limited objective of the reforms of 1909. "If it could be said" he stated in the House of Lords, "that this chapter of reforms led directly or necessarily to the establishment of a parliamentary system in India, I for one would have nothing at all to do with it". He was as emphatic on this point in private as in public. "Not one whit more than you", he wrote to Minto, "do I think it desirable or possible or even conceivable, to adapt English political institutions to the nations who inhabit India".

18. When the authors of the reforms scheme of 1909 thus ruled out the establishment of a parliamentary system in India, they reckoned without the momentous events which the following decade held in its lap. The Great War of 1914-18 accelerated the march of history and inevitably affected the temper of Indian nationalism. The demand for self-Government now became more and more insistent and the principle underlying the Minto-Morley Reforms became patently out of tune with the times. What was considered inconceivable in 1909 became the accepted goal of the British policy in India in 1917. Montagu's announcement of August 1917 accepted for the first time the objective of "gradual development of self-governing institutions with a view to the progressive realisation of self-Government in India as an integral part of the British Empire".

19. After the introduction of Montagu-Chelmsford reforms, the Swaraj movement fired the imagination of the people and deepened the anxiety of the alien rulers of India to neutralise, or at least to isolate, the growing upsurge of Indian nationalism. This marked the beginning of the policy of utilising the services of States for organising a counter-revolution.

### **Theory of 'Personal' Relationship between the Princes and the Crown**

20. Ever since the East India Company entered into treaty relations with the States, the whole of India had been treated as one unit and the Court of Directors and the British Parliament had functioned in India through the Government of India which exercised suzerainty over the States. Both before and after the transfer of the Company's dominion to the British Crown relations of the States were both in constitutional theory and in actual practice with the Governor-General in Council. The Minto-Morley Reforms made provision for the appointment of a non-official Indian as a Member of the Governor-General's Executive Council; after the Montagu-Chelmsford Reforms there were at least three Indians continuously serving on this Council. The Executive Council in this way lost its entirely British character and to some extent its bureaucratic character also became attenuated. The change did not affect the position of the Central Executive *vis-a-vis* the Indian States.

21. The relationship of the States with the Government of India had now to be reviewed in relation to possible constitutional developments in British India. It was thought that growing administrative unity between the States and the rest of India would detract from their role as breakwaters. An attempt was now made "to convert the Indian States into an Indian Ulster by pressing constitutional theories into service". It was in this context that the theory of the Crown as the sole link between the Central Government and the States was systematically developed. The Butler Committee while summarily turning down the request of the Princes for a definition of the scope of paramountcy and codification of the political practice readily agreed with the Counsel of the States that "the relationship of the States to the paramount power is a relationship to the Crown and that the treaties made with them are treaties made with the Crown and that those treaties are of a continuing and binding force as between the States which made them and the Crown". Of all the demands made by the Princes, the Butler Committee clearly and forcefully recognised only one, that for making any transfer of the Crown's rights and

obligations in relation to States to persons not under the Crown's authority, conditional on the agreement of the States. In paragraph 58 of the report, the Committee said:

"The States demand that without their own agreement, the rights and obligations of the Paramount Power should not be assigned to persons who are not under its control, for instance, an Indian Government in British India responsible to an Indian Legislature. If any Government in the nature of a dominion government should be constituted in British India, such a government would clearly be a new government resting on a new and written constitution. The contingency has not arisen;.....We feel bound however to draw attention to the really grave apprehension of the Princes on this score and to record our strong opinion that in view of the fact of the historical nature of the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to a relationship with a new government in British India responsible to an Indian Legislature".

22. The new concept of personal relationship between the States and the Crown found expression in the Act of 1935 and drove further the wedge between the States and the rest of India. Paramountcy which had become "the method by which the executive of British India aggrandized itself at the expense of the Indian States" now set in motion the reverse process of depriving the British Indian Executive of all constitutional status *vis-a-vis* the States. In complete disregard of patent historical facts and the established constitutional procedure, a new functionary, the Crown Representative, was now brought into existence to conduct the relations of the Crown with the States. The relations between the States and the Government of India were hereafter to be through the circuitous route of the Crown Representative. At one stroke of the pen, the States were "delinked" from the Governor General in Council and "pegged" to the British Crown. The policy of balance and counterpoise thus forged for the imperial political armoury another formidable weapon, *the problem of the States*.

## PART II

### INDIAN STATES UNDER PARAMOUNTCY OF THE BRITISH CROWN

#### General Survey

23. Sub-section (1) of Section 311 of the Government of India Act, 1935, as originally enacted, defined 'Indian State' as including "any territory, whether described as a State, an Estate, a Jagir or otherwise, belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being a part of British India". In political practice the term applied to a political community occupying a territory in India of defined boundaries and subject to a common Ruler who enjoyed or exercised, as belonging to him, any of the functions and attributes of internal sovereignty duly recognised by the Paramount Power.

24. The Butler Committee and the Simon Commission applied this elastic term to 562 units, whereas the Joint Parliamentary Committee on Indian Constitutional Reforms referred to 600 units as States. The term covered, at one end of the scale, units like Hyderabad and Kashmir which were of the size of the United Kingdom, and at the other end minute holdings in Kathiawar extending only to a few acres.

25. Out of the total area enclosed within the territories of pre-Partition India, i.e., 1,581,410 square miles, the Indian States covered an area of 715,964 square miles, which constituted about 45 per cent. of the total Indian territories. In post-Partition India, the area covered by the States geographically contiguous to India was reduced to 587,949 square miles, being about 48 per cent. of the total area of the Dominion of India, viz. 1,221,072 square miles. The State of Jammu and Kashmir with a territory of 84,471 square miles and the Hyderabad State closely following it with a territory of 82,313 square miles constituted the largest territorial units amongst the States. There were 15 States which had territories of more than 10,000 square miles and 67 having territories ranging from 1,000 to 10,000 square miles. There were 202 States each having an area of less than 10 square miles.

26. The total population of the States according to the census figures of 1941 was 98.2 millions, constituting about 24 per cent. of the total population of pre-Partition India, namely, 389 millions; after Partition the total population of the Dominion of India was reduced to 318.9 millions



and of the States within the geographical orbit of the Indian Dominion to 89 millions changing the relative population ratio of the States from 24 per cent. to 28 per cent.

27. In pre-Partition India 16 States had a population of over one million. These 16 States plus 4 others with a population of more than 750,000 but less than a million were assigned individual representation in the Constituent Assembly of India. These 20 States claimed 60 seats in the Constituent Assembly as against 33 seats assigned to the rest of the States; of these 20 States, 11 were entitled to send two or more representatives. Of the rest 13 had a population between 500,000 and 750,000. The remainder of the 140 States which were members of the Chamber of Princes in their own right, had a population ranging from 25,000 to 500,000.

28. The distribution of the principal communities over the territories of the States in post-Partition India showed that 27 per cent. and 26 per cent. respectively of the total population of Hindus (including Scheduled Castes) and Muslims were to be found in the States. In the case of the Sikhs and Indian Christians, however, the percentage was much higher; the States claimed 50 per cent. of the Indian Christians and 36 per cent. of the Sikhs residing in the Dominion of India. The corresponding figures for pre-Partition India were: Hindus 25 per cent., Muslims 16 per cent., Indian Christians 46 per cent. and Sikhs 27 per cent.

29. The revenues of the States, which in numerous cases did not reflect their relative areas and population, showed equal disparity. Nineteen States had a revenue of rupees ten millions or more a year; seven had revenue ranging between five to ten millions and the figure descended gradually till in the case of petty principalities it showed a revenue approximating to an artisan's average wages.

### Historical Survey

30. Historically the main common feature that distinguished the States from the Provinces was that the States unlike the Provinces had not been annexed by the British. In their individual origin, however, the evolution and growth of States represented different processes. Firstly, there were the old established States, such as those in Rajputana, which were in existence before the main waves of foreign invasion took place. Another class consisted, mainly of the States with Muslim dynasties, which were

founded by the nobles or the Viceroy's of the foreign invaders. Then there were the newer States, which the British recognised during the final stages of the consolidation of their power.

### Geographical Survey

31. Geographically the States were scattered over every portion of the map of India. The yellow and pink map of pre-Partition India showed the Baluchistan States and the States of Kashmir and Sikkim (the last one sometimes shown in pale green to indicate that unlike other States it was under the External Affairs Department) on the frontiers of India. It showed in the north-east Cooch-Bihar within the territories of the Bengal Province and the Manipur State surrounded by the territories of the Province of Assam. Southwards in the eastern portion of India the next block of Indian State territory was to be found in a chain of small States, which were known as the Chhattisgarh and Orissa States. Further south figured the States of Hyderabad and Mysore, the latter a unit larger than the Irish Free State and having twice its population. Facing the Indian Ocean farther southwards still were the two densely populated States of Cochin and Travancore. Northwards up the west coast, and both on the coast and inland, were to be found various States mainly of the Maharatta period, the largest of these being Kolhapur. The chain of States ended with the State of Baroda made up of several separate areas to the north of Bombay Presidency. Further to the north-west lay the extremely numerous assemblage of States and Estates included in the Western India States Agency, of which the better known were Kutch, Nawanagar, Bhavnagar and Junagadh. To the north-east of Bombay, separating Bombay and the Central Provinces from the United Provinces, lay the main mass of Central India States which included Gwalior, Indore and Rewa. The northern and north-western portion of Bombay was divided from the Punjab by the wide area of Rajputana States. Among the States of this group, which constituted the largest unit of Indian States, were the important Rajputana States of Bikaner, Jaipur, Jodhpur and Udaipur. In the United Provinces were to be found the isolated States of Tehri-Garhwal, Rampur and Benares. To the north-west were the Punjab States including Patiala stretching up to Simla and the States of Jind, Nabha and Kapurthala; and a number of smaller States. Further west appeared the State of Bahawalpur. The State of Khairpur lay in the geographical orbit of Sind.

## Political Diversity of States

32. The internal administration of the States and their political set-up varied greatly. There was a very wide difference in the degree of administrative efficiency reached by the most advanced and the most backward. According to the information circulated by the Chamber of Princes in 1946, over 60 States had set up some form of legislative bodies. In several others, schemes for associating people with the governance of their States were under consideration. In most of the cases, the development of representative institutions did not approximate to the growth of self-governing institutions in the Provinces, which were on the threshold of complete freedom. However, everywhere there was a growing consciousness of the rights and liberties of the people and a new spirit was abroad.

### Three Categories of States

33. According to the Butler Committee the Indian States as they existed could be classified into three distinct categories:—

- (i) States, the Rulers of which were members of the Chamber of Princes in their own right. 108 in number.
- (ii) States, the Rulers of which were represented in the Chamber of Princes by 12 members of their Order elected by themselves. 127 in number.
- (iii) Estates, Jagirs and others. 327 in number.

The first category included the Ruling Princes who enjoyed a permanent dynastic salute of 11 guns or more, together with other Rulers of the States who exercised such full or practically full internal powers as, in the opinion of the Viceroy, qualified them for individual admission to the Chamber. As a result of fresh admissions, the membership of the Chamber was enlarged to 140.

### The Chamber of Princes

34. The Chamber was a deliberative, consultative, and advisory body, which was brought into being by a Royal Proclamation on 8th February, 1921. The Proclamation stated: "My Viceroy will take its (the Chamber's) counsel freely in matters relating to the territories of the Indian States generally, and in matters that affect those territories jointly with British India, or with the rest of My Empire." The establishment of the Chamber did not affect the individual relations between any State and the Crown.

but it involved a deviation from the earlier policy under which the Crown discouraged joint action and deliberation between the Indian States.

### **Treaties, Engagements and Sanads**

35. There were 40 States which had treaties with the Paramount Power. A larger number of States had some form of engagements or Sanads, *i.e.*, acknowledgment of concession or authority or privileges generally coupled with conditions proceeding from the Paramount Power. The remainder enjoyed in some form or other recognition of their status by the Crown. More than two-thirds of the population of Indian States was to be found in the States governed by treaties.

36. The Treaties, Engagements and Sanads covered a wide field. The more important of them related to mutual amity and defensive alliance. These generally provided for territorial integrity, internal sovereignty and protection of States; prohibition of external intercourse and mutual aggression; the right of the British Government to advise in certain circumstances; and in some cases payment of tribute.

37. A number of them dealt with allied matters such as exchange, cession and gift of territories; cession of jurisdiction for railway and other purposes; cantonments and Imperial Service troops.

38. The Treaties dealing with important financial and economic matters included Postal and Portal Conventions, currency and coinage arrangements, engagements for opium, salt agreements and arrangements for exchange of postal correspondence, telegraph and telephone lines.

39. Lastly, there were miscellaneous agreements such as those relating to certain trade arrangements, construction of canals, leasing of forests and construction of waterways.

40. The rights and obligations of the States arising out of these agreements varied from State to State. Thus for instance so far as the arrangements for exchange of postal correspondence were concerned five States were entitled to maintain separate postal systems and they had Conventions with the Government of India which provided *inter alia* for mutual exchange of correspondence, parcels, money orders, etc. Ten other States were entitled to maintain separate postal systems but had no postal agreements with the Government of India. Twenty-seven States were entitled to receive service stamps free of cost. In six States official correspondence passing within the State and intended for delivery within it was carried free of charge by the Postal Department of the Government of India.

## Relationship between the Paramount Power and the Indian States

41. As already stated the paramountcy of the British Crown was not co-extensive with the rights of the Crown flowing from the Treaties. It was based on Treaties, Engagements, Sanads as supplemented by usage and sufferance and by decisions of the Government of India and the Secretary of State embodied in political practice. The rights that the Paramount Power claimed in exercise of the functions of the Crown in relation to the States covered matters both external and internal.

42. For external purposes State territory and State subjects were, for all practical purposes, in the same position as British territory and British subjects. The States had no international life and in consequence of the loss by them of their power of negotiation and legation, the Paramount Power had the exclusive authority of making peace or war or negotiating or communicating with foreign States. The rights and duties assumed by the Paramount Power in regard to external affairs carried with them consequential rights and duties. The Paramount Power was responsible for implementing its international commitments; the Princes were required to give effect to the international obligations entered into by the Paramount Power.

43. The right of intervention in internal affairs could be exercised for the benefit of the Ruler of the State, of India as a whole, or for giving effect to international commitments. The authority of the Paramount Power could thus be interposed *inter alia* for the prevention of dismemberment of a State, the suppression of a rebellion against the lawful sovereign, the prevention of gross misrule, the economic growth of the whole of India, checking inhuman practices or offences against natural law or public morality.

44. The Paramount Power was responsible for the defence of both British India and the Indian States and exercised full control over all matters connected with defence, such as the establishment of cantonments, the regulation of the strength of the armed forces of the States, the procurement of supplies, free passage of troops, supply of arms and ammunition, etc.

45. Lastly, the Paramount Power claimed certain important rights as derived from the Royal Prerogative. These included the exclusive right to settle precedence and to grant honours; to regulate ceremonies; to recognise all successions and to settle disputes as to succession; to impose or remit *nazarana* or succession duties; to take charge of the States of

minors and to provide for their education; and to impose the duty of loyalty to the Crown.

46. Paramountcy thus made serious incursions into the internal sovereignty of the States and it was natural that the Rulers should seek codification of the political practice. The appointment of the Indian States Committee in 1927 to report upon the relationship between the Paramount Power and the Indian States was an outcome of these efforts. The Committee, however, found it impossible to evolve a formula which would cover the exercise of Paramountcy. It expressed the view that "Paramountcy must remain paramount; it must fulfil its obligations, defining or adapting itself according to the shifting necessities of the time and the progressive development of the States".

Such was the political set-up of the Indian States under the Paramountcy of the British Crown.

### PART III

## THE STATES UNDER THE SCHEME OF THE GOVERNMENT OF INDIA ACT, 1935, AND SUBSEQUENT PLANS FOR INDIA'S CONSTITUTIONAL ADVANCE

### Federal Scheme of 1935

47. The federal scheme embodied in the Government of India Act, 1935, was the first effort to provide for a constitutional relationship between the Indian States and the Government of India on a federal basis. One of the special features of this scheme was that, whereas in the case of the Provinces accession to the Federation was to be automatic, in the case of the States accession was to be voluntary and the establishment of the contemplated Federation was conditional on the accession of States entitled to fill not less than 52 seats in the Council of State, and having an aggregate population of not less than one half of the total population of the States.

48. The accession was to be effected by the King's acceptance of an Instrument of Accession, the terms of which made it clear that the Act asserted no authority over the State save such as flowed from the Ruler's freely-executed Instrument. The Instrument, which was to be the overriding document, was to govern the accession and had to specify the matters on which the Federal Legislature was to have power to legislate for the State, and any limitations subject to which the legislative and executive power of the Federation was to be exercised in relation to that State.

49. The Instruments were to provide that a number of provisions of the Act, which were specified in the Second Schedule to the Act, might be amended without affecting the accession of the States, but no such amendment was to extend, unless accepted by the Rulers concerned, by means of supplementary Instruments, the functions exercised by any federal authority in respect of the States. Thus apparently any change in the basic structure of the Federation or any amendment materially altering provisions such as those relating to the position of the Governor-General in respect of External Affairs and Defence would have affected the accession of the States.

50. An important feature of this scheme was that the proposed Federation was to be composed of disparate constituent units in which the powers and authority of the Federation were to differ as between one

constituent unit and another. Thus, whereas in the British India sphere of the proposed Federation, the whole field of legislative activity was mapped out by the Act between the Federal Legislature in British India and the Provinces of British India, and residual powers in the British India sphere of the proposed Federal Legislature were to vest either in the Federal Legislature or the Provincial Legislature at the discretion of the Governor-General, in the case of the States, federal powers alone were enumerated and the residuary powers remained with the States. Even so, the States were not required to accede on all matters specified in the Federal List; their acceptance of the various entries in this list could be made subject to such limitations as might be specified in the Instruments of Accession. Unlike the Provinces they were also to have concurrent jurisdiction in respect of matters specified in the Federal List, subject to the over-riding power of the Federal Legislature.

51. In the executive field too, the authority of the Federation, in its application to the States, was to be correspondingly circumscribed. The executive authority of the Federation was further sought to be limited by reservation of executive powers by the Rulers in their Instruments of Accession for which authority was found in Section 8(1)(c)(ii) of the Act. This implied the introduction into the Act of a theory of division of powers in the federal sphere itself. This was an arrangement patently anti-federal in the sense that it was utterly contrary to the principle of division of powers, legislative, executive and judicial found in every other federal constitution.

52. In the fiscal field also, there was no uniformity as between the States and the Provinces. The States were required to accede on very limited number of items such as customs and excise duties, corporation and salt taxes. Even in this field, there was a concession to the demand made by the States that they should contribute to the federal fisc in the form of indirect taxes only, enabling the States to pay appropriate contribution in lieu of taxes such as corporation tax. The unevenness of financial burden was inevitable in a set-up in which some of the federating units retained control over federal subjects such as armed forces and railways, etc.

53. In the judicial field also the jurisdiction of the Federal Court over the States was extremely limited. Internal constitution of the States was no concern of the framers of the Scheme of 1935. The fundamental rights which are the foundation of a democratic State, found no place in



the scheme. Even for the purposes of representation on the Federal Legislature, Rulers, and not the people, were to fill the seats allocated to the States. The Instruments of Accession were to guarantee the sovereignty and the rights of the Rulers and the Act excluded from its purview the "rights and obligations of the Crown in relation to the States". In fact, in spite of the provision in the Act authorising the Governor-General, to issue directives to the Rulers for the enforcement of the federal obligations of the States, it was thought that paramountcy would provide the ultimate sanction for the enforcement of the federal authority in the States. The scheme of 1935 thus lacked essential elements of a federal constitution. Lord Meston likened this scheme to the 'mixing of oil with water'. It was indeed no more than a mark-time plan which, had it been adopted, might or might not have paved the way for a full-fledged federal project.

54. The promulgation of the Act of 1935 was followed by protracted negotiations during the course of which the draft of the Instrument of Accession underwent several changes for the worse. However, till September 1939 when the suspension of negotiations was announced, the establishment of the contemplated Federation was not in sight. To the Princes much of the essence of Federation appeared to turn out to be the negation of all to which they had been accustomed. Their approach to the problem was governed by the view that their accession to Federation involved a process of levelling down so far as their internal sovereignty was concerned, as against the Provinces which were to be levelled up as autonomous units and that, therefore, the Provinces and States could not be treated alike. On the other hand, progressive public opinion in British India hardened against the apparent effort of the Princes to whittle down the content of their accession to a farce no less than against such reactionary features of the federal scheme as the installation of dyarchy at the Centre in the form of the reserved subjects in the hands of the Governor-General e.g. Defence and External Affairs. In the meantime, the Muslim League veered round to a position of determined hostility to all constitution plans which envisaged a common Centre for the whole of India. Finally the reactionary elements had their way and the federal scheme of 1935 proved still-born.

#### **Cripps Plan**

55. With the abandonment of the federal scheme, which was announced by Lord Linlithgow on 11th September, 1939, the policy underlying the scheme, that the transfer of responsibility at the Centre should be conditional on the participation of the Rulers of Indian States, underwent a

change. This was evident from the position assigned to the States in the next important announcement on the constitutional set-up of India, *viz.*, the draft declaration known as the Cripps Plan.

56. The immediate purpose of the Cripps Mission was to induce the British Indian Party leaders to agree to share the responsibilities of the Central Government in which the States were not required to participate. The main reason for proposing the scheme for constitution-making was to promote such an agreement. The draft Declaration therefore primarily concerned itself with British India. It promised the non-acceding Provinces, if they so desired, "the same full status as the Indian Union", but as regards the States it only stated that, whether or not a State adhered to the new Constitution it would be "necessary to negotiate a revision of its treaty arrangements so far as they may be required in the new situation".

57. The Cripps Plan, as it stood, seemed to differentiate between the Provinces and the States in applying the principle of non-adherence. Attention to this apparent discrepancy was drawn in a memorandum submitted to Sir Stafford Cripps by the Delegation of Indian States in which it was urged that non-adhering States or a group of States should have the right to form a Union of their own with full sovereign status in accordance with a suitable and agreed procedure for the purpose. It was emphasised on behalf of the States Delegation that the existence of such a provision which would place the States on a par with the Provinces for constitutional negotiations, need not necessarily lead to the setting up of a separate Union or Unions of the Indian States. In fact, it was stated that the Indian States would make their fullest contribution towards evolving an Indian Union acceptable to them and to other units in India. Sir Stafford Cripps told the States Delegation that the contingency of a separate Union or Unions of States had not been considered in connection with the draft Declaration, but he personally did not see any fundamental impossibility in the suggestion.

58. The Cripps Plan accepted the principle of self-determination but it contained numerous pitfalls which imperilled the future of India. Even more unsatisfactory than the picture of the future that the Plan contained was its niggardly and halting approach to the present. The failure of the Cripps Mission gave a new turn to India's political struggle.

### Simla Conference of 1945

59. In spite of the deepening crisis of the war, no further serious effort was made to resolve the political deadlock in India until the Simla Conference of 1945. In view of its limited objective, the States were not invited to this Conference. It turned out to be no more than a repeat performance of the Cripps drama; the usual series of conferences, an occasional flicker of hope, the final veto of communal intransigence and a trail of bitterness and frustration.

### Cabinet Mission's Plan

60. The assumption of power by Labour in England, the increasing international complications, the aftermath of the war and the growing realisation of the fact that it was impossible to keep under subjection four hundred millions of exasperated people, brought about a change in the British policy towards India. A Parliamentary Delegation visited India in 1945-46 to gain first hand knowledge of the political situation in this country. On 19th February 1946, the Secretary of State for India, Lord Pethick-Lawrence, announced his Government's decision to send a delegation of three Cabinet Ministers to India.

61. The Cabinet Mission, which consisted of Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander, arrived in India on 23rd March, 1946. In earlier announcements the States had been assured that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown without their consent. It was, however, expected that the consent of the Princes to any changes which might emerge as a result of negotiations would not be unreasonably withheld. In his letter to the Chancellor of the Chamber of Princes, dated 12th May, 1946, Lord Wavell repeated the assurance, that there was no intention of making proposals for the entry of States into the Indian set-up, on any basis other than that of negotiation.

62. On 22nd May, 1946, the Cabinet Mission issued the Memorandum dated May 12, 1946, in regard to States' Treaties and Paramountcy (Appendix II); it affirmed that the rights of the States which flowed from their relationship with the Crown would no longer exist and that the rights surrendered by the States to the Paramount Power would revert to the States. The void caused by the lapse of Paramountcy was to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or by entering into particular political arrangements with it or them. The memorandum also referred

to the desirability of the States, in suitable cases, forming or joining administrative units large enough to enable them to be fitted into the constitutional structure, as also of conducting negotiations with British India in regard to the future regulation of matters of common concern, specially in the economic and financial field.

63. The Cabinet Mission's Plan announced on 16th May, 1946 (Appendix III), provided for the entry of the States into the proposed Union of India in the following manner:—

- (a) Paramountcy could neither be retained by the British Crown nor transferred to the new Government. But according to the assurance given by the Rulers that they were ready and willing to do so, the States were expected to co-operate in the new development of India.
- (b) The precise form which the co-operation of the States would take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means followed that it would be identical for all the States.
- (c) The States were to retain all subjects and powers other than those ceded to the Union, namely, Foreign Affairs, Defence and Communications.
- (d) In the preliminary stage the States were to be represented on the Constituent Assembly by a Negotiating Committee.
- (e) In the final Constituent Assembly they were to have appropriate representation, not exceeding 93 seats; the method of selection was to be determined by consultation.
- (f) After the Provincial and Group Constitutions had been drawn up by the three Sections of the Constituent Assembly, the representatives of the Sections and the Indian States would reassemble for the purpose of settling the Union constitution.

The plan did not deal with the States in detail and its vague provisions regarding the association of the States with the Constituent Assembly caused some difficulty as regards the stage at which they could come in as regular members of the Constituent Assembly.

64. In its Resolution, dated 24th May 1946, the Congress Working Committee expressed the view that the Constituent Assembly could not be formed by entirely disparate elements and the manner of selecting States'

representatives to the Constituent Assembly must approximate in so far as was possible to the method adopted in the Provinces. However, in the Press Statement issued by the Cabinet Mission on 25th May, 1946, it was reaffirmed that the question of how the States' representatives should be appointed to the Constituent Assembly was not a matter for decision by the Cabinet Mission and was clearly one which must be discussed with the States.

65. In his Statement before the House of Lords on 18th July, 1946, Lord Pethick-Lawrence repeated the assurance that it was for the States freely to come in or not as they chose. In a statement made before the House of Commons on 18th July, 1946, Sir Stafford Cripps stated that there would have to be close negotiations between the Negotiating Committee which the States had set up and the major British Indian parties, both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union.

66. The Standing Committee of the Chamber of Princes in its statement, dated 10th June, 1946, expressed the view that the Plan provided a fair basis for negotiation and subsequently set up a representative committee to negotiate the States' entry into the Constituent Assembly.

67. By a resolution passed on 21st December, 1946, the Constituent Assembly appointed a Committee to confer with the Negotiating Committee set up by the Chamber of Provinces for the purpose of

(a) fixing the distribution of the seats in the Assembly not exceeding 98 in number which in the Cabinet Mission's Statement of 16th May, 1946, were reserved for Indian States; and

(b) fixing the method by which the representatives of the States should be returned to the Assembly.

The settlement arrived at between the two Committees is embodied in the report, dated 17th April, 1947, of the Committee appointed by the Constituent Assembly.

68. During the course of the negotiations between the two Committees, it was suggested that the British Government's Statement of 20th February, 1947, had introduced an additional element of urgency and that it would be helpful if the States' representatives joined the Assembly during the April, 1947, session. Although the States' Negotiating Committee expressed its inability to adopt such a course in the absence of a mandate

from the General Conference of Rulers, the representatives of the States of Baroda, Cochin, Jaipur, Jodhpur, Bikaner, Patiala and Rewa took their seats in the Assembly on 28th April 1947. Subsequently with the exception of one State, i.e., Hyderabad, all the remaining States entitled to individual representation also sent their representatives to the Constituent Assembly of India. Representatives were also returned in due course by groups consisting of States which did not have individual representation.

#### **His Majesty's Government's Statement of 3rd June, 1947**

69. His Majesty's Government's Statement of 3rd June, 1947, which superseded the Cabinet Mission's Plan of 16th May, 1946, contained the following reference to the States:—

“His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946, remains unchanged.”

70. This Statement was accepted by both the Congress and the Muslim League, and formed the basis of the method of the transfer of power to the successor Governments.

## **PART IV**

### **ACCESSION OF THE STATES TO THE DOMINION OF INDIA** **Lapse of Paramountcy**

71. Till the lapse of Paramountcy, the Crown as represented by and operating through the Political authorities provided the nexus between the Indian States and the Central and Provincial Governments. The pivot of this arrangement was the Viceroy, who as Crown Representative, represented to the Indian States the suzerainty of the British Crown while at the same time he was, in relation to British India, the head of the Government as Governor-General. The Indian Independence Act, 1947, released the States from all their obligations to the Crown. It was evident that if in consequence the Indian States became separate independent entities there would be a serious vacuum not only with regard to the political relationship between the Central Government and the States, but also in respect of the co-ordination of all-India policies in the economic and other fields. All that the Dominion Government inherited from the Paramount Power was the proviso to Section 7 of the Indian Independence Act, which provided for the continuance, until denounced by either of the parties, of agreements between the Indian States and the Central and Provincial Governments in regard to specified matters, such as Customs, Posts and Telegraphs, etc., (Appendix IV).

#### **States Department**

72. It was against this background that the Government of India decided to set up a Department to conduct their relations with the States in matters of common concern.

On 18th June, 1947, the Viceroy, Lord Mountbatten, invited Pandit Nehru, Sardar Patel and Acharya Kripalani (on behalf of the Congress); Mr. Jinnah, Mr. Liaquat Ali Khan, and Sardar Abdur Rab Nishtar (on behalf of the Muslim League); and Sardar Baldev Singh (on behalf of the Sikhs); to attend an informal meeting to discuss the problem of the States. Sir Courad Corfield (Political Adviser) was also present. Among the agreed conclusions reached at this meeting was the following:—

“That it would be advantageous if the Government of India were to set up a new Department, possibly called the “States Department”, to deal with matters of common concern with the States; that, if this were done, the new Department should be divided into two sections, ready for the partition of the country; and that the existing Political Department and the Political

Adviser should give all possible assistance and advice in the formation of this new Department”.

73. The above conclusion was considered, in the form of a recommendation, by the Cabinet of the Interim Government at its meeting on 25th June, 1947, and the decision of the Cabinet in that behalf was announced in the Press Communique issued on 27th June, 1947, which read:—

“In order that the successor Governments will each have an organisation to conduct its relations with the Indian States when the Political Department is wound up, His Excellency the Viceroy, in consultation with the Cabinet, has decided to create a new Department called the States Department to deal with matters arising between the Central Government and the Indian States. This Department will be in charge of Sardar Patel, who will work in consultation with Sardar Abdur Rab Nishtar. The new Department will be organised in such a way and its work so distributed that at the appropriate time it can be divided up between the two successor Governments without any dislocation. Mr. V. P. Menon will be the Secretary of the new Department”.

Sardar Nishtar was thus nominated as the Muslim League member of the Interim Government to be consulted in the working of the new department: Mr. Ikramullah was appointed Joint Secretary of it. It was intended that with effect from 15th August 1947, they would hold charge of the States Department of Pakistan.

### **Necessity of a Common Centre**

74. The decision to partition India was a violent blow to the political, economic and geographical integrity of India. The unity of what remained as India after the partition was most essential not only for the political strength, full economic development and cultural expression of the Indian people but also for facing the aftermath of the partition. The following quotation from Coupland shows very clearly how vital a necessity this unity was to the very existence of the Dominion of India:—

“An India deprived of the States would have lost all coherence. For they form a great cruciform barrier separating all four quarters of the country. If no more than the Central Indian States and Hyderabad and Mysore were excluded from the Union, the United Provinces would be almost completely cut off from Bombay, and Bombay completely from Sind. The strategic and economic



implications are obvious enough. The practicability of Pakistan must be admitted, but the more the separation of the States from British India is considered, the more impracticable it seems; India would live if its Moslem limbs in the North-West and North-East were amputated, but could it live without its heart?"

75. The first task to which the newly created States Department had to address itself, therefore, was the conserving of the heart of India. This required a common Centre for the whole country including the Indian States, able to function effectively in the Provinces and States alike in matters requiring all-India action.

#### **Sardar Vallabhbhai Patel's Statement of 5th July 1947.**

76. On the day the States Department came into being, *i.e.*, 5th July, 1947, the Hon'ble Sardar Patel, Member for States Department, issued an important statement (Appendix V), defining the policy of the Government of India, and inviting the States to accede to the Dominion on the three subjects of Defence, Foreign Affairs and Communications, in which the common interests of the country were involved. He assured the States that it would not be the policy of the States Department to conduct the relations with the States in any manner which savoured of the domination of one over the other; and that if there would be any domination, it would be the domination of mutual interests and welfare. Sardar Patel expressed the hope that the Indian States would bear in mind that the alternative to cooperation in the general interest was anarchy and chaos which would over-whelm great and small in a common ruin if the States and Provinces were unable to act together in the minimum of common tasks.

77. The position, as it stood when the States Department came into existence, was that the Political Department had already sent to the Rulers a draft Standstill Agreement and it was proposed to call a conference of Rulers to finalise the Agreement. But having regard to the paramount necessity of the establishment of a constitutional relationship, however tenuous, between the States and the Dominion, the Government of India felt that a Standstill Agreement would not provide any kind of answer to the problem that confronted them at the time. It was, therefore, decided that the States Department, and not the Political Department, should take charge of the negotiations with the Rulers and that the accession of the States on the three essential subjects of Defence,

External Affairs and Communications should be included in the agenda of the proposed Conference.

### **Special Meeting of Princes on 25th July, 1947**

78. The task of conducting negotiations with the Princes was entrusted by the Government of India to Lord Mountbatten, who was then the Crown Representative. Lord Mountbatten called a special full meeting of the Chamber of Princes on 25th July, 1947. (Appendix VI). In the course of his address His Excellency advised the Rulers to accede to the appropriate Dominion in regard to the three subjects of Defence External Affairs and Communications, and assured them that their accession on these subjects would involve no financial liability and that in other matters there would be no encroachment on their internal sovereignty. At the end of the meeting His Excellency announced the personnel of the Negotiating Committee which was set up to negotiate on behalf of the States the terms of their accession to the Dominion of India.

### **Successful Conclusion of Negotiations**

79. When one looked back upon the barren course of the protracted infructuous negotiations in connection with the scheme embodied in the Act of 1935 it seemed an impossible task to finalise the accession of the States within a reasonable period, particularly when there was no sanction of paramountcy behind the negotiations. It is worth quoting the Sapru Committee in this connection:

“The experience of the negotiations which Lord Linlithgow inaugurated and conducted between 1936 and 1939 do not encourage the hope that these consultations and investigations can be successfully concluded except with the exercise of infinite patience and after the lapse of several years. To hang up the federal Union of such units as are willing to federate until some State, or a minimum number of States, or the last hesitant State has agreed to accede would be a policy which is calculated to postpone indefinitely the elimination of foreign rule and the achievement of full self-government.”

80. The impending transfer of full power to a National Government having the will and the sanction of the Indian people behind it, the personal contact between the leaders of public opinion in India and the Rulers of States, rendered possible by the withdrawal of the Paramount Power's previous policy of political isolation of States and the patriotic lead given by some of the leading Princes enabled the Rulers of States to appreciate

that it was both in the interest of Indian States and of the country that the States should become actively associated with the Dominion Government instead of holding a watching brief as it were in the deliberations of the Constituent Assembly. With their valuable assistance and co-operation and the helpful efforts of Lord Mountbatten, negotiations were concluded in a week's time and, barring Hyderabad, Kashmir and Junagadh, all the States in the geographical limits of India had acceded to the Indian Dominion by 15th August 1947.

### **Instrument of Accession**

81. The Instruments of Accession executed by the Rulers (Appendix VII), provided for the accession of States to the Dominion of India on three subjects, namely, Defence, External Affairs and Communications, their content being as defined in List I of Schedule VII to the Government of India Act, 1935. This accession did not imply any financial liability on the part of the acceding States. The Instrument of Accession formulated as a result of the discussions with the Princes was accepted only from the States which exercised full jurisdiction. The States, in respect of which the Crown Representative exercised certain powers and jurisdiction, signed Instruments of Accession (Appendix VII), which provided also for the exercise of similar powers and jurisdiction by the Dominion Government.

### **Standstill Agreement**

82. Standstill Agreements, the acceptance of which was made by the Government of India conditional on accession by the States concerned were also entered into between the Dominion Government and the acceding States. The Standstill Agreements (Appendix IX), provided for the continuance for the time being of all subsisting agreements and administrative arrangements in matters of common concern between the States and the Dominion of India or any part thereof.

### **Significance of Constitutional Relationship between the Indian Dominion and the States**

83. The accession of the Indian States to the Dominion of India established a new organic relationship between the States and the Government of India. The constitutional link thus forged proved strong enough to bear the stress of the upheaval through which the country had to pass and enabled the Government of India and the Governments of the States and the Provinces concerned to take concerted and co-ordinated action in relation to matters of common concern.

84. The accession of the States to the Dominion of India was a momentous event in India's history. The full significance of this important development can be appreciated only if it is viewed against its most unpropitious background. For over half a century, the States had been a sealed book so far as the leaders of public opinion in British India were concerned. High walls of political isolation had been reared up and buttressed to prevent the infiltration of the urge for freedom and democracy into the Indian States. Disruptive tendencies had been sedulously cultivated and encouraged and proposals for not only one but several Rajasthans were in the air. There were not a few who nursed the hope that, overwhelmed by the combined weight of the partition of India and the disruption of the States, the Government of India would go under,

85. In the context of these heavy odds and handicaps, the consummation of the ideal of a federal India, comprising both the Provinces and the States, was no mean achievement. After several centuries India became welded into a constitutional entity.

## **PART V**

### **Integration**

86. The accession of the Indian States to the Dominion of India was the first phase of the process of fitting them into the constitutional structure of India. The second phase which rapidly followed, involved a process of two-fold integration, the consolidation of States into sizeable administrative units, and their democratization.

### **Problem of small States**

87. The small State had been the most vulnerable link in the chain of the Indian States. In 1933 the problem of consolidating some of the small States into local confederacies for the purpose of not only remedying their administrative deficiency, but also facilitating their inclusion in any federal arrangements applicable to India as a whole was considered, but was eventually dropped as impracticable.

88. In March 1939 Lord Linlithgow in his inaugural address to the Chamber of Princes stressed the desirability of the States with limited resources making arrangements for co-operative grouping for administrative purposes. The subject thereafter figured in all Chamber discussions and led to various co-operative grouping arrangements in different regions but these arrangements generally did not go beyond providing for common High Courts and common advisory staff for the Police force.

89. On 16th April, 1943, the Political Department issued a communique announcing the attachment with certain larger States of the small Western India States which collectively covered an area of 7,000 square miles with a population of 800,000. It announced the important principle that nothing which was not inherently capable of survival should be artificially perpetuated, and that the ultimate test of fitness for the survival of any State was its capacity to secure the welfare of its subjects. All these half-hearted measures hardly touched the fringe of the problem.

### **Popular Movements in States**

90. 'Hopes and aspirations', wrote the authors of the Montagu-Chelmsford Report, thirty years ago, 'may overlap frontier lines like sparks across a street'. The events in the States since 15th August, 1947 have borne out the truth of this statement.

91. With the advent of independence, the popular urge in the States for attaining the same measure of freedom as was enjoyed by the people

in the Provinces gained momentum and unleashed strong movements for the transfer of power from the Rulers to the people.

92. So far as the larger units were concerned, the democratisation of administration could be a satisfactory solution of their constitutional problem; however in the case of small States, responsible Government would have only proved a farce. The Rulers of the smaller States were in no position to meet the demand for equating the position of their people with that of their countrymen in the Provinces. With the best will in the world, these small units did not have the resources to stand up to popular agitation; nor could they afford the machinery for a self-sufficient and progressive democratic set-up. In some cases, the subversive elements did not hesitate to exploit the situation for their own ends. The result was a serious threat to law and order in the States. The situation, if allowed to deteriorate, would have imperilled peace and good order not only in these States but in the neighbouring Provinces as well. Without doubt the smaller State units could not have continued in modern conditions as separate entities; integration provided the only approach to the problem.

93. The immediate objective of the policy of integration was the settlement of the problem of smaller States. As, however, the process of integrating small units in sizeable administrative units gained strength, certain important factors, to which reference is made later, inevitably operated to bring within the compass of this process major States as well.

94. The integration of States did not follow a uniform pattern in all cases. Merger of States in the Provinces geographically contiguous to them was one form of integration; the second was the conversion of States into Centrally administered areas; and the third the integration of their territories to create new viable units known as Unions of States. Each of these forms has been adopted according to size, geography and other factors relating to each State or group of States.

In the paragraphs that follow, the results of this three-fold integration have been set out—not on the basis of the sequence of events, but according to the categories into which the integrated States could be classified.

### **Provincially-merged States**

95. *Merger of Orissa and Chhattisgarh States.*—The problem of integration was first faced in Orissa where the States formed scattered bits of territory with no geographical contiguity. The political future of these

States had been considered by a Sub-committee appointed by the Simon Commission. This Sub-committee, which was presided over by Mr. C. R. Attlee, had expressed the view that the Orissa feudatory States should be brought into relationship with any administrative set-up for Orissa. Subsequent committees of inquiry relating to the setting up of Orissa as a separate Province were all of the opinion that the problem of Orissa States could not be divorced from that of the rest of the Province. Nothing, however, was done to implement the recommendations for integrating the Orissa States with the Orissa Province. The problem of the Chhattisgarh States, which were geographically and linguistically linked with the Central Provinces, was similar to that of the Orissa States.

96. It was against this background that in the second week of December, 1947, the Hon'ble Sardar Vallabhbhai Patel visited Cuttack and Nagpur. The interests of the people no less than those of the Rulers of these States as also the wider interests of the country, demanded a direct recourse to the obvious solution of the problem, which had been delayed so long under the old regime. Sardar Patel had long discussions with the Rulers of these States and it was eventually decided to integrate these small States with the adjoining provinces. This important decision, the implementation of which was facilitated by the helpful attitude of the Rulers, securely laid the foundation of the policy of the integration of the small States.

On 16th December, 1947, the Hon'ble Minister for States issued a statement (Appendix X) explaining the background of the Agreement reached with the Rulers of the Orissa and Chhattisgarh States, in the course of which he stressed the following important points:—

- (a) Democratisation of the administration, which had long been the keynote of the Congress policy towards the States, had become a pressing problem since 15th August.
- (b) Democracy and democratic institutions could function efficiently only where the unit to which these were applied could subsist in a fairly autonomous existence. Where on account of smallness of its size, isolation of its situation and inadequacy of its resources, a State was unable to afford a modern system of Government both democratisation and integration were clearly and unmistakably indicated.

97. The Orissa and Chhattisgarh States numbering 39 covered an area of about 56,000 square miles with a revenue of rupees 20 millions and a

population of 7 millions. The agreements (Appendix XI) signed by the Rulers of these States on 14th December, 1947, and subsequent dates, provide for cession by them to the Dominion Government of full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of their States.

98. The administration of these States was made over to the Governments of Orissa and the Central Provinces on 1st January, 1948. The Ruler of the Central India State of Makrai also later signed a similar agreement and the administration of the State was integrated with that of the Central Provinces with effect from 1st February, 1948. The 25 States which merged with Orissa under these arrangements included Seraikella and Kharsawan. On further consideration, however, it was realised that on account of the situation of these two States as island territories in Singhbhum district it was impossible for any Government other than that responsible for the administration of that District to administer them effectively. The Government of India accordingly took over from the Government of Orissa the administration of these States and made it over to the Government of Bihar on 18th May, 1948.

99. The only Eastern State which was not affected by the merger negotiations in December 1947 was Mayurbhanj which had an area of 4,034 square miles and a population of a little under one million. On 17th October, 1948 the Ruler of this State also signed an Instrument of merger (Appendix XII); the State was taken over by the Government of India on 9th November, 1948 and a Chief Commissioner appointed to administer it. On 1st January, 1949, the State was merged with the Province of Orissa.

100. *Merger of Deccan States.*—The merger of the Eastern States gave an impetus to the people of other States with limited resources to seek a similar remedy for their difficulties. The Rulers of Deccan States who had at one time decided to merge their sovereignty in the proposed United Deccan State later decided in favour of the security that integration with a resourceful unit such as the Bombay Province could provide as against the hazards of separate existence as small units. They signed merger agreements (Appendix XIII) on 19th February, 1948, and subsequent dates. In pursuance of these agreements all States in Deccan except Kolhapur, were administratively integrated with the Province of Bombay in March, 1948. The seventeen Deccan States thus merged in Bombay covered an area of 7,651 square miles with a population of about 1.7 millions and a revenue of about Rs. 14,200,000.



101. Kolhapur, the remaining State in Deccan had an area of 3,219 square miles and a population of a little over one million. This State was the scene of serious disturbances after the assassination of Mahatma Gandhi. The situation arising out of these disturbances was discussed between the Ruler and the Ministry of States, and as a result of these discussions the Ruler agreed to the appointment of an Administrator nominated by the Government of India. The financial position of the State was found to be unsatisfactory and it became necessary to advance a loan to the State from the Central Revenues. The other Deccan States having already merged with Bombay, the most satisfactory arrangement in respect of the political future of the State appeared to be its administration as part of the Bombay province. An Agreement of Merger (Appendix XIV) was accordingly negotiated with the Ruler of the State and the administration of the State was made over to the Government of Bombay with effect from 1st March, 1949.

102. *Merger of Gujarat States.*—Another group of States that has merged with the Bombay Province consists of the Gujarat States. The fact that some of these States are situated close to the Indian border made it essential that a stable and efficient administration should be established in this area. The formation of a Union of the Gujarat States by themselves had to be ruled out on account of the fact that these States united together would not have constituted a viable unit. Geographically the territories of these States were interlaced and interspersed with the Baroda State territories and the Ahmedabad and Khera Districts of Bombay. The lack of geographical cohesion also rendered it difficult to unite and integrate the territories of these States into one unit. After prolonged discussions in Bombay, on 17th March, 1948, the Rulers of the jurisdictional Gujarat States agreed that merger with the Bombay Province was the only solution of their constitutional problem. The form of merger agreement was the same as that adopted for Deccan States (Appendix XIII). The total area covered by the States, estates, talukas and thanas in Gujarat numbering 144 (or 289 if the units are subdivided according to the number of the shareholders) was nearly 17,680 square miles, with a population of about 2·7 millions and a total revenue of rupees 16·5 millions. The administration of these States was taken over by the Bombay Government on 10th June, 1948. In November, 1948, the Bombay Government also took over the administration of Danta, a small State in Western Rajputana.

103. The *Dangs* and certain estates formerly included in Vatrak Kantha Thana of the old Baroda Western India and Gujarat States Agency which covered an area of 870 square miles with a population of 48,498 became

part of the Bombay Province under the Governor-General's Order No. 127-P, dated 19th January, 1948 (Appendix XV).

104. *Sirohi*.—The Government of Bombay took over, on behalf of the Government of India, the administration of the small State of Sirohi with effect from January 5, 1949, in pursuance of an agreement signed by the Regent Maharani on behalf of the minor Ruler (Appendix XVI). There was some difference of opinion as to whether this State should be merged in Bombay or should be integrated in Rajasthan. It was therefore decided that until the future of the State was finally determined, the Bombay Government should conduct its administration on behalf of the Government of India. The position was later reviewed and it was decided to merge Abu Road tehsil and a portion of Dilwara tehsil with Bombay and to integrate the remaining portion in Rajasthan. This decision has been implemented by means of an order under Section 290A of the Government of India Act, 1935, issued in respect of the areas merged into Bombay and a notification under the Extra-Provincial Jurisdiction Act, issued in respect of the areas to be merged into Rajasthan (Appendices XVII and XVIII).

105. *Baroda*.—Another State, this time a large administrative unit, taken over by the Bombay Government was Baroda which had an area of 8,236 square miles with a population of about 3 millions. Although the State had adequate resources to run and maintain an efficient administration it was divided into several areas interspersed with the territories of Bombay and Kathiawar, and this lack of geographical integrity rendered the administration of the State as one unit very difficult. In accordance with the advice of the Ministry of States and with the concurrence of his own Ministers the Ruler of Baroda agreed to the merger of the State with the Bombay Province and signed the agreement on 21st March, 1949 (Appendix XIX). The administration of the State was taken over by the Bombay Government on May 1, 1949.

106. *States Merged in East Punjab*.—Loharu, Dujana and Pataudi were tiny States within the boundaries of East Punjab. Geographically and for all administrative purposes these States formed part of East Punjab. The Rulers agreed to merge their States with East Punjab and signed the necessary agreements on 17th February, 3rd March and 18th March, 1948, respectively. The administration of these States was taken over soon after by the East Punjab Government. These three States together form an area of 370 square miles with a population about 80,000.

107. *States Merged in Madras.*—Agreements similar to those signed by the Rulers of other smaller States were also signed by the Rulers of Banganapalle and Pudukkottai on 18th and 29th February, 1948, respectively. The territories of these States which formed an area of 1,444 square miles with a population of about 470,000 were interspersed with those of the Madras Province. The administration of the two States was taken over by the Provincial Government on 23rd February and 3rd March, 1948, respectively. Another island State in the Madras Province was Sandur which had an area of only 158 square miles and a population of 15,814. It was clear from the very beginning that this small State had no future except merger with Madras. The Ruler signed the Merger Agreement (Appendix XX) on 1st April, 1949, transferring the administration of the State to the Dominion Government with immediate effect.

108. *States Merged in the United Provinces.*—The States within the geographical orbit of the United Provinces were merged during the last phase of the process of integration. One of these, Tehri Garhwal, is situated in the Himalayas bounded on the north by the Himachal Pradesh and the other sides by the Garhwal and Dehra Dun Districts of the United Provinces. The State had an area of 4,516 square miles with a population of about 397,000 and a revenue of about Rs. 3,700,000. For administrative, ethnic and other reasons the State formed a part of the United Provinces. The Ruler and the popular Ministry in office agreed to the merger of the State with the United Provinces. The Merger Agreement (Appendix XXI) was signed by the Ruler on May 18, 1949 and the administration was taken over by the Government of the United Provinces on August 1, 1949.

109. Another State which formed a small enclave within the United Provinces was Benares which had an area of 866 square miles with a population of over 450,000 and a revenue of about Rs. 3,500,000. Subject to suitable safeguards as regards his position in respect of religious ceremonies connected with Kashi, the Ruler was agreeable to the merger of the State with the United Provinces. The Agreement (Appendix XXII) was signed on 5th September, 1949 and the administration of the State was taken over by the Government of the United Provinces on 15th October, 1949.

110. Another State which was almost an island in the United Provinces and had to depend on that Province for all its essential needs was Rampur.

It had an area of 894 square miles with a population of 477,000 and a revenue of about rupees ten millions. It was felt that in view of the special set-up of the State and in deference to the wishes of the Ruler, the State should remain under Central administration for some time. The Ruler signed the Instrument of Merger (Appendix XXIII) on 15th May, 1949 and the administration was taken over by a Chief Commissioner on behalf of the Government of India on 1st July, 1949. The administration was carried on in the closest co-operation with the Government of the United Provinces. For obvious reasons the State could not remain indefinitely as a Centrally administered area and with the concurrence of the Ruler it was decided to merge it with the United Provinces; the administration was taken over by the Provincial Government on December 1, 1949.

111. *Cooch Behar*.—Cooch Behar is situated on the north-east of India bounded on the south by East Bengal, north by Jalpaiguri District of West Bengal and on the west by Assam. It had an area of 1,821 square miles with a population of about 641,000 and a revenue of about Rs. 10 millions. The Merger Agreement (Appendix XXIV) was signed by the Ruler on the 30th August, 1949, and the administration of the State was taken over by a Chief Commissioner on behalf of the Government of India on the 12th September, 1949. After careful consideration of all factors the Government of India reached the conclusion that the best interests of the people of Cooch Behar and of India as a whole will be served by its merger in the Province of West Bengal. This was done with effect from 1st January, 1950, by means of an Order under Section 290A of the Government of India Act, 1935.

112. *Khasi Hill States*.—The Khasi Hill States on the north east of India were not affected by the process of integration until the inauguration of the new Constitution. These are for the most part occupied by tribal people. The Rulers were designated as Siems. The succession to the *gaddi* was not in all cases hereditary; the new Siem was generally elected by the people. Before the 15th August, 1947, the relations of the Crown Representative with the Khasi Hill States were conducted through the Governor of Assam. In practice the administration of the Hill States was in great measure assimilated to that of the Province of Assam partly by the application of the British Indian laws under the Foreign Jurisdiction Order in Council and partly by administrative measures adopted with the concurrence of the Khasi Chiefs.

113. The Khasi Hill States had formed a Federation of their own and had both individually and collectively acceded to the Dominion of India

subject to the provisions of an Agreement. The Instrument of Accession (Appendix XXV) empowered the Dominion Legislature to make laws for the Khasi States in respect of any matter. The Agreement (Appendix XXVI, which formed part of the Instrument of Accession, provided *inter alia* for unified legislation on subjects of common interest to Assam and the Khasi Hill States. Constitutionally therefore the position of the Khasi Hill States Federation approximated to that of a Chief Commissioner's Province.

114. One solution for these areas was to merge them outright with the surrounding Province of Assam. It was, however, considered desirable to preserve some of the tribal traditions and customs of the Khasi States. Accordingly under the Constitution of India the Khasi States have been included in the Sixth Schedule along with Assam tribal areas. According to the provisions of this Schedule a large measure of local autonomy has been conceded to the District Councils in the tribal areas. With the coming into force of the Constitution of India, the Khasi Hill States, along with the adjoining tribal district of Assam known as 'Jaintia Hill District' have been constituted into a separate autonomous district of Assam known as "United Khasi-Jaintia Hill District".

### **Centrally Merged States**

115. The number of States consolidated as Centrally Administered areas is limited. This form of integration has been adopted only in those cases in which, for administrative or strategic consideration, or for other special reasons, direct Central control over any area has been considered necessary.

### **Himachal Pradesh**

116. A number of Rulers and the Chiefs of the East Punjab Hill States signed on 8th March, 1948, Agreements (Appendix XXVII) ceding to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of their States. Other Rulers signed similar agreements on subsequent dates. Having regard to the wishes of the Rulers and the people of the Hill States that the territories of these States should be consolidated into one unit and the desirability of making available to these areas man-power and wealth-power resources of a large administrative unit, the Government of India integrated these States into a Centrally administered unit known as 'Himachal Pradesh'. The new Province, which comprises the territories

of 21 Hill States, has an area of 10,600 square miles with a population of about 935,000 and a revenue of about Rs. 8.5 millions. It was inaugurated on 15th April, 1948.

### **Bilaspur**

117. The group of East Punjab Hill States included the State of Bilaspur, which had an area of 453 square miles with a population of 110,000. In view of the location in this State of the contemplated Bhakra Dam, which is a project of all-India importance, it was decided to take over the State as a separate Centrally administered unit. In pursuance of an Agreement (Appendix XXVIII signed by the Ruler, the State was taken over under Central administration on 12th October, 1948.

### **Kutch**

118. Another important State which was taken over under Central administration was Kutch. This State has an area of 17,249 Sq. miles, of which 8,461 miles is inhabited by a population of a little over half a million. The remaining area is occupied by what is known as the Rann of Kutch which is covered by water during most part of the year. In view of the geographical situation of the State and the potentialities of this area, the development of which will require a considerable amount of money as well as technical assistance, which neither the State by itself nor the State of Saurashtra with which it was possible to integrate the State could provide, it was decided that the best solution for this State would be to treat it as a Centrally administered unit. An Agreement (Appendix XXIX) was accordingly signed by the Ruler on 4th May, 1948 and the administration was taken over by a Chief Commissioner on behalf of the Dominion Government on 1st June, 1949.

### **Bhopal**

119. Bhopal was one of the major States taken over for administration by the Centre. Lying almost at the centre of the main system of communications in India, the State had an area of 6,921 square miles with a population of 785,822 and a revenue of about Rs. 13,600,000. The Agreement (Appendix XXX) for merger was signed by the Ruler on April 30, 1949 and the State was taken over by a Chief Commissioner on behalf of the Government of India on June 1, 1949. In deference to the wishes of the Nawab and in view of its central location it has been provided in the agreement that the State will remain under Central administration for at least a period of five years.

### **Tripura**

120. Another State on the north-east border of India taken over for Central administration was Tripura which had an area of 4,049 square miles and a population of over half a million. The Regent Maharani signed the agreement (Appendix XXXI) on behalf of the minor Ruler and in pursuance of this agreement the administration of the State was taken over by a Chief Commissioner on behalf of the Government of India on the 15th October, 1949.

### **Manipur**

121. Manipur is another border State which has great strategic importance. It is surrounded for the most part by tribal hill areas in Assam; on the east it is bounded by the tribal territories of Burma. The security arrangements of this area require the special attention of the Government of India and it was therefore decided to take it over for Central administration. The Instrument of Merger (Appendix XXXII) was signed by the Ruler on 21st September, 1949 and the administration was taken over by a Chief Commissioner on behalf of the Dominion Government on 15th October, 1949.

### **Vindhya Pradesh**

122. The United State of Vindhya Pradesh, which covered an area of 24,600 sq. miles with a population of 3,569,455 and an annual revenue of about Rs. 25 millions was formed in April 1948. It comprised 35 States known as Bundelkhand and Baghelkhand States. The area is rich in mineral resources and forest wealth, but constitutes one of the most undeveloped regions in Central India. Vindhya Pradesh is situated right in the centre of the Indian Union and it is essential to set up a stable administration and to develop means of communication in this area. Chronic jealousy between the two groups of States constituted a serious hurdle in the way of uniting them into one administrative unit, and it was with considerable difficulty that the Rulers agreed to pool their lot together. For some time after the inauguration of the Union, there were actually two Governments functioning, one for Rewa and another for Bundelkhand States. A composite Cabinet for the whole area was formed in July 1948.

123. It was thought that a common Government representative of the people of all the integrated States would operate as a unifying force and attenuate the disruptive local affiliations. However, the performance of the new Cabinet, which did not last even for one year, proved most disappointing. Continued dissensions and mutual recriminations amongst

the Ministers and their failure to inspire confidence amongst the people resulted in a most distressing situation. The Ministry resigned on April 14, 1949 and an official administration was set up on April 15, 1949.

124. It was clear beyond doubt that in view of its economic and political backwardness, Vindhya Pradesh could not be administered as a Union of States. The only two alternatives open before the Government of India were either its merger with the neighbouring Provinces or its conversion into a Centrally administered unit. This position was explained to the Rulers and the Congress leaders of the Union and as a result of the discussions with them, the Rulers signed in December 1949, an Agreement ceding to the Dominion Government full and exclusive jurisdiction and authority over the territories comprising Vindhya Pradesh (Appendix XXXIII). After giving the matter very careful consideration, the administration of Vindhya Pradesh was taken over by the Centre on 1st January, 1950 and it is now being administered as a Chief Commissioner's Province.

### **Formation of Unions**

125. There were several groups of States which, with due regard to geographical, linguistic, social and cultural affinities of the people could be consolidated into sizeable and viable units consisting entirely of States. In these regions, the sentiment of the Rulers and the people alike was in favour of such an arrangement. In such cases, territories of States were united to form Unions of States on the basis of full transfer of power from the Rulers to the people. A special feature of these Unions is the provision for the Rajpramukh as the constitutional head of the State who is to be elected by the Council of Rulers. This arrangement, while ensuring close approximation of the system of governance in the States and the Provinces and of the rights and liberties of the people, retains in some measure the traditional polity of the States.

### **Saurashtra**

126. This form of consolidation of States was first adopted in Kathiawar, covering 222 States and Estates (449 units if calculated on the basis of further fragmentation according to the number of share-holders), with varying territories and jurisdictions. Many of these States had several scattered islands of territories and added together these States divided the map of Kathiawar into about 860 different areas. The scheme for the constitution of the United State of Kathiawar, now known as Saurashtra, was finalised in the last week of January 1948. Some of the distinctive features of the scheme are:



- (a) There will be Presidium consisting of the Rulers of Nawanagar and Bhavnagar as permanent members and three other Rulers elected from amongst the members of the Council of Rulers. The Rajpramukh and the Up-Rajpramukh of Saurashtra will be elected from amongst the members of the Presidium.
- (b) A Joint Advisory Council consisting of Ministers of Saurashtra and Ministers of Bombay will be established for investigating and discussing subjects of common concern and making recommendations for the better co-ordination of policy and action with respect to such matters.
- (c) There is a specific provision that the Covenant did not prevent the Government of Saurashtra from negotiating a union of Saurashtra and other Gujarati-speaking areas on such terms and conditions as may be agreed to by the Council of Rulers as well as the Council of Ministers.

The Covenant (Appendix XXXIV) was signed on 23rd January 1948 and the new State was inaugurated by the Hon'ble Sardar Patel on 15th February 1948.

127. The Covenant for the formation of the United State of Saurashtra provided for the setting up of a Constituent Assembly to frame a Constitution for Saurashtra. A Supplementary Covenant was entered into by the Rulers of Saurashtra in 1949 to convert the Constituent Assembly elected under the provisions of the original Covenant into the interim Legislature of Saurashtra. Another Supplementary Covenant (Appendix XXXV) has been entered into to provide that the present Ruler of Nawanagar would hold office as Rajpramukh of Saurashtra during his life-time. With the integration in Saurashtra, of the territories of Junagadh and certain smaller States of Kathiawar (Appendix XXXVI), the area and population of the State respectively are 21,062 sq. miles and 3-556 millions.

### **Madhya Bharat**

128. The United State of Gwalior, Indore and Malwa, otherwise known as Madhya Bharat, comprises 20 States in Central India including the major States of Gwalior and Indore. Linguistically, culturally, historically and economically the region forms a compact block. The position of the two major States of Gwalior and Indore, which had been recognised as viable units entitled to stand by themselves, rendered the problem of the integration of these States into one Union somewhat difficult.

During the course of discussions it was found that there was a body of local opinion both at Gwalior and Indore opposed to the formation of one Union in which the identity of Gwalior and Indore would be completely merged. It was, therefore, suggested as a possible alternative to a single Union scheme that two Unions might be formed, one around Gwalior and the other around Indore. After giving the proposal due consideration the Government of India felt that from the point of view of geographical integrity as well as administrative efficiency, the balance of advantage was in favour of the immediate formation of one Union rather than two.

129. A Conference of the Rulers of Central India was accordingly held in Delhi on 20th, 21st and 22nd of April, 1948, and as a result of these discussions agreement was arrived at for the formation of one Union to be known as the United State of Gwalior, Indore and Malwa (Madhya Bharat). The following are some of the distinctive features of the Covenant forming this State:

- (i) For the purposes of the election of the Rajpramukh every Ruler will have such number of votes, as is equal to the number of lakhs in the population of his State.
- (ii) The present Rulers of Gwalior and Indore will be the first Rajpramukh and the senior Up-Rajpramukh respectively during their life time.
- (iii) The senior Up-Rajpramukh will also receive an appropriate allowance.
- (iv) The privy purse of the Rulers of Gwalior and Indore has been fixed for the life-time of the present Rulers at a figure higher than the maximum fixed in other cases.
- (v) In Central India there are a number of States whose population is predominantly Bhil. The Bhils are an extremely backward tribe and it was realised that it would be inexpedient to entrust them to the care of the new Government. It was, therefore, decided to treat those States where more than 50 per cent. population is of Bhils as Scheduled Areas and to confer the authority to make laws for the peace and good government of these areas on the Rajpramukh, subject to any directions or instructions that may from time to time be given by the Government of India.

- (vi) It has been provided that until other provision is made by an act of the Legislature of the United State, the right to resume Jagirs and to recognise the succession to the rights and titles of the Jagirdars will vest in the Rajpramukh.

130. The Covenant (Appendix XXXVII) was signed by the Rulers present at the Conference on 22nd April, 1948 and the State was inaugurated on 28th May 1948, by the Hon'ble Pandit Jawaharlal Nehru. Muhammadgarh, Pathari, Nimkhera, Jamnia and Rajgarh estates were integrated with Madhya Bharat by means of subsequent agreements entered into by the Chiefs concerned with the Rajpramukh (Appendix XXXVIII). The State comprises an area of 46,710 square miles with a population of over 7 millions and a revenue of about Rupees 80 millions.

### **Patiala and East Punjab States Union**

131. The Patiala and East Punjab States Union comprises the six salute States of Patiala, Kapurthala, Jind, Nabha, Faridkot and Malerkotla and the two non-salute States of Nalagarh and Kalsia. The Covenant (Appendix XXXIX) for the formation of this Union was signed by the Rulers concerned on May 5, 1948, and the Union was inaugurated on 15th July, 1948, by the Hon'ble Sardar Vallabhbhai Patel.

132. These States lay in three separate blocks. The main block comprised the territories of the Patiala, Nabha, Jind, Malerkotla and Faridkot States in the heart of the East Punjab. It formed a fairly compact tract. The Kapurthala State consisted of three enclaves in the Jullundur Division of the East Punjab. The outlying districts of Narnaul, Dadri and Bawal, which formed parts of the Patiala, Jind and Nabha States respectively lay within the geographical orbit of the southern districts of the East Punjab.

133. In view of the fact that Patiala State, which had a population of about two millions, had been recognised as a separate viable unit, it was contemplated at earlier stages to form a Union of the East Punjab States without Patiala. These States comprised an area of 3,693 square miles with a population of 1,367,628 and an annual revenue of about Rs. 20 millions. It was, however, realised that a Union of the East Punjab plain States without Patiala would not endure. From the point of view of territorial integrity, administrative efficiency and tapping of agricultural and other resources of those States, the formation of one Union inclusive of Patiala was clearly indicated. The Ruler of Patiala expressed willingness to join the Union. As a result of the adjustments made to

reconcile the various points of view, the following provisions were included in the Covenant:—

- (i) The Ruler of Patiala was to be the first Rajpramukh and was to hold office during his life-time.
- (ii) As in the case of the United State of Gwalior, Indore and Malwa, the Rulers of this Union will have for the purposes of election of the Rajpramukh such number of votes as is equal to the number of lakhs in the population of their States. The Ruler of Patiala will not exercise his vote in the election of the Up-Rajpramukh.
- (iii) The two non-salute States of Nalagarh and Kalsia will alternately hold one seat on the Council of Rulers.

The State so constituted comprises an area of 10,099 square miles with a population of 3,424,060 and a revenue of about Rs. 50 millions.

#### **The United State of Rajasthan.**

134. The integration of Rajputana States was completed in three stages. The Rajasthan Union was originally formed by the smaller Rajputana States in the south-east, namely Banswara (including Kushalgarh, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Partabgarh, Shahpura and Tonk. These States formed a contiguous area with ethnic, linguistic and cultural affinities. The integration of these States in the contemplated United State of Madhya Bharat was also considered, but it was found that the natural affinity of these States was more with Rajputana than with Madhya Bharat. The territories of these nine States were accordingly united together to form the United State of Rajasthan with an area of 16,807 square miles, a population of 2,334,220 and an average annual revenue of over Rs. 19 millions. The United State of Rajasthan so constituted was inaugurated on 25th March, 1948.

135. Subsequently the Ruler of Mewar expressed willingness to join the Rajasthan Union. Having regard to the facts that the State of Mewar was in a position to stand by itself and that the resources of the State would greatly add to the strength of the Union, it was decided to modify the Covenant in the following respects:—

- (a) The Maharana of Mewar was to be the Rajpramukh during his life-time.
- (b) The Maharao of Kotah was to be the senior Up-Rajpramukh.

- (c) The privy purse of the Maharana of Mewar was to be Rs. 1 million. He was in addition to receive a consolidated allowance of Rs. 500,000 per year as Rajpramukh. A further sum of Rs. 500,000 per annum was to be paid to him out of the revenues of the United State for charitable and religious purposes.

All the Rulers concerned signed the Covenant and the second Rajasthan Union was inaugurated by the Hon'ble Pandit Jawaharlal Nehru on 18th April, 1948.

136. The second Rajasthan Union comprised only part of the geographical and cultural entity known as Rajasthan. Although some of the States which had not joined the Union had been recognised as viable units, they were inhabited by the same stock of people as inhabit the States integrated in Rajasthan and their administration had to deal with common social, economic and other problems. Negotiations were, therefore, initiated for the formation of a greater Rajasthan Union, which would both satisfy the sentimental aspirations of the people in certain areas, and facilitate the solution of economic and other problems common to all these States. As a result of these negotiations, a fresh Covenant (Appendix XL) was signed providing for the integration of the three major States of Rajputana, *viz.*, Jaipur, Jodhpur and Bikaner and the State of Jaisalmer with the former Rajasthan Union to form the United State of Rajasthan. A special feature of this Union is the appointment for his life-time of the present Ruler of Mewar as Maharajpramukh of the Union. This arrangement has been made to ensure for the Ruler of this important State an honourable place in the new set-up. The present Ruler of Jaipur is the first Rajpramukh of the Union and will hold office during his life-time. The new Union which comprises an area of 120,888 square miles with a population of 11.2 millions, was inaugurated on March 30, 1949.

137. Soon after the decision about the formation of the new Rajasthan State was taken the question of the integration with it of the four States comprising the Matsya Union had to be considered. The Matsya Union, which was inaugurated on 18th March 1948, consisted of the States of Alwar, Bharatpur, Dholpur and Karauli. The Union covered a territory of 7,536 square miles with a population of over 1.8 millions and a revenue of about Rs. 20 millions. Consultations were held on the subject with the Rulers and representatives of the four States as well as with the Ministry of the Matsya Union. It was found that there was no difference of opinion as regards the integration of Alwar and Karauli with the United State of Rajasthan; opinion in these States was unanimous that they

should be integrated with Rajasthan but in Bharatpur and Dholpur it was found that there was considerable difference of opinion as to whether they should be merged with the United Provinces or integrated with Rajasthan. In order to ascertain public opinion in these two States the following Committee was appointed:—

1. Shri Shankar Rao Deo—Chairman
2. Shri R. K. Sidhwa—Member
3. Shri Prabhu Dyal Himatsingka—Member.

138. After ascertaining the views of the people both by means of questionnaires and at public meetings the Committee came to the conclusion that majority opinion in both Bharatpur and Dholpur was for integration with Rajasthan rather than for merger in the United Provinces. The Committee was not sure if the opinion elicited by it would remain stabilised. The Committee therefore suggested that after some time, opportunity should be given to the people through a regular plebiscite, or some other appropriate procedure, to decide finally whether they would continue in Rajasthan or opt out of it. The Government of India accepted the recommendations of the Committee and took steps to integrate the entire Matsya Union with Rajasthan. The Agreement (Appendix XLI) between the United State of Rajasthan and the Rulers of Alwar, Bharatpur, Dholpur and Karauli giving effect to this decision was concluded on 10th May, 1949, and provided for the taking over by the Rajasthan Government of the administration of the Matsya States with effect from May 15, 1949. Article V of the agreement entered into in this behalf provides that when the Government of India are satisfied that conditions favourable to the expression of a considered opinion by the general public have been established in Bharatpur and Dholpur, suitable steps will be taken to ascertain whether public opinion is in favour of continuing with Rajasthan or of merger with the United Provinces. The Rajasthan Union as at present constituted has an area of approximately 128,424 square miles and a population of about 13·1 millions.

#### **United State of Travancore and Cochin**

139. The United State of Travancore and Cochin was formed by the integration of the two southern-most States lying on the south-west coast of the Indian Peninsula, namely, Travancore and Cochin. In spite of the large revenue and the high degree of literacy among the people of the two States it was felt that in modern conditions it was not possible for the two States to remain as separate entities. The two States were similar in almost all respects, e.g., language, economic conditions, composition of the population, geographical situation etc. There was, therefore,

no reason why these States should not integrate and pool their resources to form a sizeable and economically stable unit of the Union of India.

140. The principle of integration of the two States was accepted when a deputation consisting of the Premiers and Ministers of Travancore and Cochin and representatives of the Congress organisation in the two States met the Hon'ble Minister for States on April 1, 1949 and recommended the integration of the two States. Since, in both these States, Legislatures elected on the basis of adult franchise were functioning and the Ministries of the two States were responsible to their respective Legislatures the views expressed by the deputation were taken to reflect the popular wishes in the matter. An announcement accepting the principle of integration was accordingly made in a Press Communique issued on April 2, 1949. Another Press Communique was issued on April 4, 1949 announcing the appointment of a Committee to examine and report on the problems connected with the integration. Shri V. P. Menon, Adviser, Ministry of States, visited these States in May 1949 and as a result of the negotiations conducted by him with the Rulers and the Governments of the two States, the Covenant (Appendix XLII) for the formation of a Union of the two States was finalised and executed by the Rulers in May 1949 and the Union was inaugurated on July 1, 1949.

141. One of the special features of the Covenant is the arrangement in respect of Devaswoms—Hindu temples—and property attached to them in the two States including the temple of Shri Padmanabhaswami the tutelary diety of the ruling family of Travancore. In Travancore alone, apart from this important shrine, on the maintenance of which the State was spending over Rs. 1 million per annum, there are 348 major Devaswoms and 1123 minor Devaswoms. Large revenues are derived by the State from the properties which were attached to these Devaswoms and provision was made by the State for the maintenance of Devaswoms, from time to time, at varying figures. Hindu opinion in the State was unanimous that not only should the continued payment of the existing allotments for the maintenance of Devaswoms be guaranteed but that adequate compensation should also be given in respect of the properties of the Devaswoms taken over by the State since 1912, and the profits derived from them. The annual contribution thus claimed ranged from rupees ten to twenty millions. The Covenant now provides for a fixed contribution of Rs. 5.1 millions for the maintenance of Devaswoms in Travancore out of which a sum of Rs. 600,000 is to be contributed towards the maintenance of the Shri Padmanabhaswami temple.

142. The most important departure from the past practice, which the provisions of the Covenant regarding the Devaswoms involve, is that, except in the case of Shri Padmanabhaswami temple, in the management of which the Ruler will be assisted by an Advisory Committee, the administration of Devaswoms will vest in two Boards to be set up in these States on which not only the orthodox Hindus but the Harijans also will be represented. This introduces a far-reaching temple reform in that under the arrangements prescribed in the Covenant the Harijans will secure a share both in the control of the temples and appointments in the Devaswoms Department, a position hitherto denied to them.

143. The Ruler of Travancore will be the Rajpramukh of the United State for his life-time. The Covenant provides that future vacancies arising in the office will be filled in such manner as the Governor-General of India may prescribe.

144. The Covenant has brought about the Union of two ancient and progressive States hitherto kept apart by reason only of the existence of two Rulers. The overwhelming majority of the people of the two States are of the same stock, speak the same language and have a common culture and tradition. Several areas of Cochin State, including the capital of the State, form islands within Travancore territory. Ernakulam, the seat of the Cochin Government, got its water supply through the territories of Travancore. On account of old animosities and narrow provincialism, no satisfactory agreement could be reached in respect of schemes of irrigation. Satisfactory co-ordinated measures could not be enforced for dealing with anti-social elements. The industrial areas of Alwaye and the commercial centre of Alleppey, both in Travancore, are not far from the Cochin Harbour. There existed customs barriers hampering trade between the two States. A union of these two States would help to get over these impediments in the economic and social progress of this area.

145. The area of the new Union is 9,155 square miles with a population of 7.5 millions and a revenue of about Rs. 134 millions.

#### **Integration of Major States**

146. It had been declared by the Government of India that the States which had individual representation on the Constituent Assembly of India would be treated as viable units. As, however, integration of smaller States proceeded, it was found that in some cases, smaller and bigger states were geographically so interlinked that the smaller States by themselves could not constitute workable administrative units. The difficulty was inherent in the fact that the States as they were abruptly fossilized at a very fluid stage in India's history in the first quarter of



the 19th century defied geography and most of them linguistically, ethnically and in other important respects, did not constitute self-contained natural units. The Rulers of Rewa, Indore, Gwalior and Patiala were the first to appreciate the imperative geographical and administrative considerations which operated against the continuance of their States as separate administrative units. Once these important States decided to pool their lot with their neighbours, the demand for subordinating local loyalties to the need of the re-alignment of States on more rational and natural basis became more insistent. The integration of other similarly placed major States followed as a necessary corollary. The Ruler of Mewar who had, in the first instance, declined to join the first Rajasthan Union now agreed to the integration of his State. The remaining Rajputana States followed suit as a direct consequence of the integration of the historic State of Mewar. Once the idea of a union of Rajasthan States with Mewar as its integral part took a concrete form, political and economic considerations, no less than the sentiments of the people, were, factors which could not be ignored by the rest of the Rajputana States. In the context of these developments, the States of Baroda, Kolhapur and Travancore could not stand by themselves. Inevitably, therefore, with the integration of some of the major States, the horizon of the people widened and a number of States, which had been recognised as viable units, were also affected by the process of integration.

### **Progress made by the Three-Fold Integration of States**

147. As a result of the application of the various merger and integration schemes,

- (a) 216 States covering an area of 108,789 square miles with a population of 19.158 millions have been merged in Provinces.
- (b) 61 States covering an area of 63,704 square miles with a population of 6.925 millions have been taken over as Centrally-administered areas.
- (c) 275 States covering an area of 215,450 square miles with a population of 34.7 millions have been integrated in the Unions of States.

This brings the total number of States affected by integration schemes to 552 covering an area of 387,893 square miles with a population of 60.788 millions. A consolidated statement showing the area and population of the States which have been either merged in Provinces or constituted into Centrally-administered areas or combined to form new Unions of States is appended. (Appendix XLIII).

## PART VI DEMOCRATISATION OF STATES

### Absolutist regime under the former set-up

148. The institution of Indian Rulership as it existed under British rule was essentially based on the personal autocracy of the Ruler. Unlike the official autocracy, by which British India was governed before the Montague-Chelmsford reforms, and which was exercised indirectly by the official agents of a distant authority, the Ruler was on the spot and his rule was direct and personal. Subject to the over-riding authority of the Paramount Power and, to a certain extent in a limited number of cases, to the prescriptive rights and privileges of the nobles of his class, the Ruler was virtually the State. He was the source of all authority in theory as well as in practice. In his discretion he sometimes chose to rule through Ministers or Advisers; at any time he was free to remove them and to take up the reins of the administration himself. Several Rulers administered their States directly, and some of them did so with ability and to the benefit of their people.

149. The growth of parliamentary institutions in the Provinces heightened the contrast between the form of their government and the Governments of States and stimulated, during the last phase of British rule in India, some activity in the direction of the establishment of representative institutions in the States. However, the approach of the Rulers to this vital problem was half-hearted and the advance in the direction of the constitutional reform of States was halting and tardy. Representative Assemblies and Councils were established only in certain progressive States. These bodies met rarely and for only short periods; they were consulted more as a matter of courtesy than of right, and their advice was not binding on the Ruler. These institutions served to create an illusion of democracy while retaining the autocratic set-up with the help of large blocks of members nominated by the executive. "The point of advance", writes Coupland, "reached by 1937—to speak only of the more progressive States—lay roughly between the points reached by the Provinces in 1909 and 1919". The period between 1937 and 1947 was one of political stalemate; the political conditions in States in 1947, therefore, showed no appreciable improvement on Coupland's assessment of the situation in 1937. The position on the eve of transfer of power to India was that in most cases autocracy continued unmasked and in a few States it was covered by a thin veneer of democratic facade. On the whole, the Ruler's absolutism was the dominant note of the polity of States.

### Paramount Power's Negative Attitude

150. For this state of political stagnancy in States, the negative attitude of the Paramount Power was greatly responsible. Secured against internal commotion under the protection guaranteed to them by the British Government, the Rulers had no incentive to part with power and to establish self-governing institutions in the States. The British Government's attitude towards constitutional advance in States, as officially stated in the House of Commons, was that while the British Government "should certainly not obstruct proposals for constitutional advance initiated by the Ruler", it had "no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of Government they should adopt in the diverse conditions of Indian States".

151. The justification for this policy of *laissez-faire* was sought in the theory that the engagements of the Crown had been with the Rulers and not with the people. Proceeding on this basis, the Paramount Power ignored all popular movements and organisations in States; the Butler Committee took no notice of the States Peoples' Conference; at the Round Table Conference only the Rulers and their representatives were invited. Finally the Act of 1935 conceded the demand of the Rulers that the States should be represented on the Federal Legislature by the nominees of the Rulers and not by elected representatives of the people. In the impressive array of the rights, privileges and prerogatives of the Rulers, witnessed during the negotiations relating to the scheme of 1935, the rights of the people were conspicuous by their absence.

The attitude of the Princes on such important political issues was derivative. No wonder, therefore that some of the Rulers openly advocated the untenable view that any scheme for the transfer of power to the people would be inconsistent with their treaty obligations. This background was not propitious for constitutional advance in States.

### Government of India's Approach: Transfer of Power to People

152. Neither progressive public opinion in India, nor the Central Government, deriving its strength from the will of the people, could adopt, or even acquiesce in an attitude of unconcern towards the elementary rights of the people of the States. Since 1929, the Congress had openly declared that the States "should be brought in line with British India by the introduction of responsible Government." The democratic

upsurge could not be contained in the territories formerly called British India. Indeed independence of India could have no meaning if the people of the States did not have the same political, social and economic freedom as was enjoyed by the people of the Provinces. The Government of India had to take note of the awakening in States. It was clear beyond doubt that only a positive and bold approach would avert the explosive situation towards which the States were heading.

153. It is no doubt true that in States democratic institutions did not have opportunity and time to take root, a sudden change over from an absolutist regime to a democratic order therefore involved an element of risk. At the same time the Government of India could not ignore the patent fact that it was no longer possible to dole out power to the people in niggardly measures. For generations the people of States had been fed on cliches such as "democracy is a slow-growing plant"; "States must evolve Constitutions suiting their genius and requirements with well-defined checks"; "States must not import from outside a single mass produced Constitution" etc. With the liberation of India from the foreign yoke the people were in no mood to allow such cobweb of verbiage to cloud the issue of transfer of power to them. There was great danger therefore in introducing an element of gradualness in the process of scaling down autocracy from its exalted perch. It was in this context that complete elimination of the autocracy of Rulers was decided upon; full and final transfer of power from the Rulers to the people has been an essential feature of all the schemes adopted for the integration of States.

154. In the process of the merger of States with the Provinces or their Constitution into Centrally administered areas, transfer of power to the people is automatic in that the merged States become part of the administrative units which are governed by the popular Governments of the Provinces and the Centre as the case may be. So far as the Provincially merged States are concerned under the arrangement made by virtue of the statutory orders issued under Section 290A of the Government of India Act, 1935, provision was made for the representation of the people of the merged States in the Provincial Legislature. Pursuant to this provision, the Provincial Legislatures have been expanded by including in them representatives of the merged States. The Legislatures so expanded are those of Bombay, Madras, Madhya Pradesh, U.P., Orissa, Bihar, Punjab and West Bengal which now have 132 additional members representing the people of the merged States. With the enforcement of the new Constitution, the process of the merger of States in Provinces has been com-

pleted and the States concerned will now be enabled to send their representatives to the Provincial Legislatures in the same manner as other territories forming part of Provinces. In the Centrally administered areas, apart from their democratisation in the form of responsibility of the administration to the Central Legislature, the Chief Commissioners are to be assisted by Advisory Councils. Such Councils with a majority of popular representatives have already been established in two of the newly created Centrally administered units, namely, Himachal Pradesh and Kutch. The question of setting up similar Councils in the other units is under consideration. The people of these States will also be represented in the Central Legislature.

155. As regards the Unions of States, wherever practicable popular interim Ministries were set up to conduct their administration. Three of these Unions namely, Saurashtra, Travancore-Cochin and Madhya Bharat have Legislatures functioning in them and their Ministries are responsible to their respective Legislatures. Even in the States so far unaffected by any scheme of merger or integration, the movement for full responsible government has rapidly developed. There are now only three States continuing as separate units, *viz.* Hyderabad, Mysore and the State of Jammu and Kashmir. Popular Governments have been established in two of them, the only exception being Hyderabad where a popular Government will be set up as soon as the first Legislature of the State under the new Constitution is summoned. The Constitution of India assigns to the Rajpramukh, the Council of Ministers and the Legislature the same functions as are exercisable by their counterparts in the Provinces. This completes, in all respects, the process of transforming the autocratic set-up in States into a full-fledged democratic order.

## PART VII

### Settlement of Rulers' Private Properties

156. The Instruments of Merger and the Covenants establishing the various Unions of States, are in the nature of over-all settlements with the Rulers who have executed them. While they provide for the integration of States and for the transfer of power from the Rulers, they also guarantee to the Rulers privy purse, succession to *gaddi*, rights and privileges and full ownership, use and enjoyment of all private properties belonging to them, as distinct from State properties. The position about the privy purses guaranteed or assured to the Rulers is set out in details in Part XI. The provisions of the Constitution bearing on the rights, privileges and dignities of Rulers and their succession to their respective *gaddis* are also explained in that Part. So far as their Private properties are concerned, the Rulers were required to furnish by a specified date inventories of immovable property, securities and cash balances claimed by them as private property. The settlement of any dispute arising in respect of the properties claimed by a Ruler was to be by reference to an arbitrator appointed by the Government of India.

157. In the past the Rulers made no distinction between private and State property; they could freely use for personal purposes any property owned by their respective States. With the integration of States it became necessary to define and demarcate clearly the private property of the Ruler. The settlement was a difficult and delicate task calling for detailed and patient examination of each case. As conditions and customs differed from State to State, there were no precedents to guide and no clear principles to follow. Each case, therefore, had to be decided on its merits. The Government of India were anxious that the new order in States should be ushered in in an atmosphere free from any controversies or bitterness arising from any unhappy legacy of the past. A rigid and legalistic approach would have detracted from the spirit of good-will and accommodation in which the political complexion of the States had been so radically altered. By and large the inventories were settled by discussion between the representatives of the Ministry of States, the Rulers concerned and the representatives of the Governments of the Province or the Union as the case may be. The procedure generally adopted was that after the inventories had been received and scrutinised by the Provincial or the Union Government concerned and after the accounts

of the States taken over had been examined, the inventories were discussed across the table and settled in a spirit of give and take. In all discussions with the Rulers of the States forming Unions, the Rajpramukhs were associated; the private properties of Rajpramukhs were settled by the Government of India in informal consultation with the Premiers of the Unions. This method made it possible to settle these properties on an equitable basis within a remarkably short period and without recourse even in a single case to arbitration. The settlements thus made are final as between the States and the Rulers concerned.

158. The settlements made in regard to private properties of the Rulers were arrived at as a compromise between the claims of the Rulers and the counter-claims of the Governments, and with due regard to the paramount need of safeguarding public interests. In the nature of things it was not possible to lay down or follow any strict or uniform standards; nevertheless certain broad principles were observed. These are indicated below:—

(i) *Palaces and other Residential Buildings.*—These were allocated on the basis of previous use and the needs of the Ruler and the administration. The Ruler's palace with houses used for his private guests and personal staff were treated as his private property. The Rulers were also allowed to retain one or two houses outside the State, for example, at a hill station or a sea-side resort.

(ii) *Farms and Gardens.*—Rulers who were interested in farming or horticulture have been allowed to retain reasonable areas of land already in their possession. These lands, will be held subject to the ordinary revenue laws and to the payment of assessment.

(iii) The Rulers have also in a number of cases been allowed to retain grazing areas; the land so held is liable to assessment. Generally, no forest areas have been given to Rulers, though limited rights of grazing and obtaining fuel have been recognised in some cases. Shooting rights of the Rulers have been recognised in defined areas subject to the laws in force and authorised working plans.

(iv) As the privy purse is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff, maintenance of residences, marriages and other ceremonies, Rulers have not been allowed to add to this income directly or indirectly. New jagirs or grants of villages made to the consorts or children of the Rulers have not been recognised as private property. Likewise all other rights enjoyed

and claimed by Rulers in respect of land such as customary right to enjoy the fruit of trees on common lands, superior proprietary rights over agricultural areas, proprietorship of service jagirs, etc., have been extinguished. The Rulers have surrendered their jagirs and where their proprietary rights over lands has been recognised, it has been done mainly on the ground that many of them have the resources and time to undertake modern and mechanical farming and to bring new areas under cultivation. As already stated, the position of the Rulers in respect of these areas will be the same as that of a private land-holder and they will be subject to revenue laws and assessment.

(v) *Investments and Cash Balances.*—The opening balances which, according to the books of the States, belonged to the States, have been handed over to the successor Governments. Only such investments and cash to which the States could lay no claim have been recognised as private property of the Ruler.

(vi) *Ancestral Jewellery and Regalia.*—In a large number of cases, ancestral jewellery has been treated as heirloom to be preserved for the Ruling family. In the case of the States having valuable regalia, such articles are to remain in the custody of the Ruler for use on ceremonial occasions and they will be subject to periodical inspection by the Governments concerned.

(vii) *Civil List Reserve Fund.*—The Rulers had created Civil List Reserve Funds according to the advice given by the Chamber of Princes. The fund was intended to relieve the State of the expenditure in connection with marriages etc. in the Ruler's family. The amount standing to the credit of these funds has therefore been allowed to be retained by the Rulers. Generally, additions to the fund made after the date of integration have not been treated as private property.

(viii) *Temples and Religious Funds.*—Excepting the temples situated within the palaces, temples and properties attached to them have been constituted into Trusts. The right of the public to worship at these temples has been maintained.

(ix) The Rulers will preserve for the nation objects of historical importance like rare manuscripts, paintings, arms etc. Even though treated as private property these objects will be preserved in Museums inside the States concerned. Where any of them are kept in private custody, scholars, students and others interested will have access to them under proper regulations.



(x) A number of Rulers have houses in New Delhi. Most of these were constructed on plots of land allotted on special terms and conditions when New Delhi was built. The Rulers have claimed these houses but the question whether these houses should be treated as the Rulers' private property or State property is still under consideration as also the question of their acquisition for use by the Government of India.

159. Some of the special arrangements made for management of important properties in States may be mentioned:

*Indore Ahalyabai's Charities.*—The Khasgi properties of His Highness the Maharaja of Indore and the income from Khasgi which had been hitherto utilised for Maharani Ahalyabai's Charities all over India and for the maintenance of allowances to the senior Maharani of Indore, were made over to the Madhya Bharat Government and in return the Madhya Bharat Government undertook to pay annually from the revenues of the properties a sum of Rs 291,952 for charities. The amount has been funded and placed under a permanent Trust consisting of the Ruler of Indore, two nominees of the Ruler, one nominee of the Government of India and two nominees of the Madhya Bharat Government. This Trust will also administer the charities of Her Highness Maharani Ahalyabai Holkar.

(ii) His Highness the Nawab of Rampur has agreed to set up a Trust in respect of his famous library which contains over 12,000 rare manuscripts and several thousands of Moghul miniature paintings.

(iii) His Highness the Maharaja Gaekwar has agreed to create a Trust with a corpus of Rs. 20 millions, the income from which will be available for works of public utility in the rural areas of the erstwhile Baroda State and for the advancement of education. The new Baroda University will be amongst the institutions which will benefit from these Trusts.

(iv) *Gangajali Fund.*—This fund, which has a corpus of Rs. 16,287,000, was created by the Scindias as a special reserve fund for use during grave emergency such as famine. His Highness the Maharaja of Gwalior has made this fund available for public benefit. Subject to any instructions or directions from the Government of India, the authority to control and administer the fund is vested in the Rajpramukh of Madhya Bharat.

160. As a result of the settlement of private properties, over 500 villages in addition to thousands of acres of scattered areas of jagir lands claimed in the inventories have been given up by the Rulers.

161. When the administration of the States was taken over, the new Governments inherited cash balances and investments of the value of nearly Rs. 700 millions. During the settlement of the private properties, the Rulers gave up their claims to approximately another Rs. 45 millions. Other properties given up include palaces, buildings, stables, garages, shops, jewellery, fleets of motor-cars, aeroplanes, etc.

## PART VIII

### Consolidation

162. The benefits that the people of the States will derive from the administrative integration of States either in the form of their merger into larger units or their consolidation into sizeable units, are manifold. The slenderness of the resources of small units, most of them hardly larger than estates but enjoying varying degrees of sovereignty, and their general aversion to neighbourly co-operation, put it beyond the power of their Rulers to give their subjects the advantages of good and progressive government. Existence of a large number of small units led to unnecessary multiplication of governing agencies which necessitated the maintenance of numerous ornamental and dignified institutions. Most of these States could never provide efficient services or maintain anything like modern standards of administration; continuance of separate governmental institutions in such States led only to the dissipation of national wealth. The integration of these units will enable them to pool their resources for the provision of adequate administrative services over reasonable groups or tracts for the general benefit of the people. It will also make it possible to provide adequate social services and modern amenities to the people of these States, which were beyond their resources as separate small units.

163. Because of the inadequacy of resources and the jurisdictional changes, communications in most of the small States have been in a very primitive condition. Internal trade was rendered difficult by the export, import and other duties which the various States levied. The administration of justice and maintenance of law and order were greatly handicapped because of the administrative and political fragmentation resulting from the existence of a large number of small States. Each of these States had its own laws and taxation structure, and the bewildering multiplicity of their revenue and other systems ruled out any kind of constitutional and administrative uniformity. These conditions encouraged extensive smuggling, black-marketing, crime and other anti-social activities. In such a set-up any kind of co-ordinated development, opening up of economic potentialities or any form of real progress was hardly possible. The administrative integration of States has solved all these perplexing political and administrative problems. In the new set-up there should be no room for special privileges of classes, immunities from taxation, judicial and quasi-judicial privileges, trade monopolies, and other feudal practices.

164. Thus from the point of view of good government, popular welfare and national economy, the administrative integration of States provides,

for the first time, a real and effective approach to the problem of States. The execution of the Covenants and the Instruments of Merger, however, does not by itself justify the hopes implicit in integration. The administrative integration of States will fail to secure its objective if it does not bring about a psychological integration of the people. Local affiliations, which impede the growth of common nationhood, will be eliminated only if the people are enabled to feel that by becoming citizens of bigger, more progressive and resourceful units, a real change for the better has come into their lives. The people must feel that not only power has come to their hands but the very set-up of their lives has undergone an appreciable change for the better.

165. The integration of States, therefore, though in itself an achievement of tremendous importance to the future of the country, is, viewed in the right perspective, something in the nature of an opportunity rather than fulfilment. Positive, co-ordinated and sustained action is necessary to establish the conditions in which the people could secure adequate administrative and social services and full opportunities of progress and development.

#### **Steps towards Organic Integration**

166. In the case of the Provincially merged and Centrally merged States the authority for exercising the powers of administration and legislation were originally derived from the Extra-Provincial Jurisdiction Act, 1947. This Act enabled the Government of India to exercise the necessary powers in States where, under an agreement, jurisdiction power and authority, were transferred to the Government of India. This procedure was a half-way house between complete separateness and full integration. Under this arrangement, a law passed by the Dominion Parliament did not automatically extend to these States but had to be applied to them by a notification under the Extra-Provincial Jurisdiction Act. While suitable as a transitional arrangement, this expedient did not meet the needs of a permanent and organic integration.

#### **Sections 290A and 290B of the Government of India Act 1935**

167. As a step in the direction of effecting such an organic integration, the Government of India Act, 1935, was amended to introduce two new Sections reading as follows:—

*“290A.—Administration of certain Acceding States as Chief Commissioners’ Provinces or as part of a Governor’s or Chief Commissioner’s Province.—(1) Where full and exclusive authority, jurisdiction and powers for and in relation to the*

governance of any Indian State or of any group of such States are for the time being exercisable by the Dominion Government, the Governor-General may by Order direct—

- (a) that the State or the group of States shall be administered in all respects as if the State or the group of States were a Chief Commissioner's Province; or
- (b) that the State or the group of States shall be administered in all respects as if the State or the group of States formed part of a Governor's or a Chief Commissioner's Province specified in the Order:

Provided that if any order made under clause (b) of this sub-section affects a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

- (2) Upon the issue of an Order under clause (a) of sub-section (1) of this section, all the provisions of this Act applicable to the Chief Commissioner's Province of Delhi shall apply to the State or the group of States in respect of which the Order is made.
- (3) The Governor-General may in making an Order under sub-section (1) of this section give such supplemental, incidental and consequential directions (including directions as to representation in the Legislature) as he may deem necessary.
- (4) In this section, reference to a State shall include reference to a part of a State.

290B.—*Administration of areas included within a Governor's Province or a Chief Commissioner's Province by an Acceding State.*—(1) The Governor-General may by Order direct that any area included within a Governor's Province or the whole or any part of the area included within a Chief Commissioner's Province shall be administered in all respects by a neighbouring Acceding State as if such area formed part of such State and thereupon the provisions of this Act shall apply accordingly:

~~Provided that where~~ any such Order is made with respect to any area included within a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

- (2) An Order made under sub-section (1) of this section may contain such supplemental, incidental and consequential provisions (including provisions for varying the representation in the Legislature) as the Governor-General may deem necessary."

#### Orders under Section 290A of the Government of India Act

168. An order under S. 290A, known as the States' Merger (Governors' Provinces) Order, 1949, issued on July 27, 1949, (Appendix XLIV) was applied to the Provincially-merged States with effect from August 1, 1949. Under the provisions of this Order,

- (i) the Provincially-merged States were to be administered, in all respects, as if they formed part of the absorbing Provinces, and
- (ii) all laws including the orders made under the Extra-Provincial Jurisdiction Act, 1947, which were in operation in these States at the time of the enforcement of this Order, were to continue in force until repealed or modified but no fresh orders could be made under the aforementioned Act.

The Order also provided for

- (a) the representation of the merged States in the Legislatures of the absorbing Provinces;
- (b) the apportionment of assets and liabilities as between the Centre and the Provinces, and
- (c) the institution of suits and other proceedings against the Government and the continuance of pending proceedings.

Amending Orders under this section were issued in respect of U.P. States and Cooch-Bihar on 29th November, 1949, and 31st December, 1949, respectively. (Appendices XLV and XLVI).

169. Under this Order, the States merged in a Province have been given representation in the Provincial Legislature in the same proportion to their population as the existing strength of the Provincial Legislature bears to the population of the Province proper excluding the States. As the preparation of the electoral rolls on the basis of the existing provincial franchise and

other preparatory measures for conducting elections would have inevitably caused considerable delay, it was decided to fill the additional seats in the Provincial Legislature by nomination by the Governor-General. The distribution of assets and liabilities and the provision for the institution of suits follow the lines of the division of functions between the Centre and the Provinces.

170. A similar order known as the States' Merger (Chief Commissioners' Provinces) Order, 1949 (Appendix XLVII), was made applicable to the Centrally-merged States with effect from August 1, 1949. This Order provided for the Centrally-merged States being administered in all respects as if they were a Chief Commissioner's Province. In these States also, all laws including orders made under the Extra-Provincial Jurisdiction Act, which were operative at the commencement of the Order, were to continue in force until repealed or amended by competent authority but no orders could be made under the aforementioned Act after the issue of the Order. After the commencement of this Order, the Central Legislature alone could make laws for, or extend or apply laws to the newly-created Chief Commissioners' Provinces. The Chief Commissioners' Provinces which were created after August, 1949, were covered by another Order under section 290A issued on 22nd January 1950. (Appendix XLVIII).

171. In December 1949 Parliament passed an enactment (No. LIX of 1949) extending to the newly created Chief Commissioners' Provinces and the Provincially merged States the more important Central laws. So far as the Provincially merged States are concerned it was specified that only so much of the enactments shall apply to the merged States as extends to the absorbing Province and relates to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province. This enactment repealed the corresponding laws already in force in the areas in question either by means of orders under the Extra-Provincial Jurisdiction Act or by virtue of any other legislative power.

172. With the issue of the Order under Section 290A and the extension of the more important Central enactments, the position of the Provincially merged States became, to all intents and purposes, the same as that of Provinces. The process of assimilation in the Centrally-merged States also was greatly facilitated by the issue of this Order and the passing of the enactment. Considerable progress has been made in the newly created Chief Commissioners' Provinces in the direction of improving their administrative machinery. A brief account of the progress so far made in these Provinces and the Unions of States is given in the following paragraphs.

## Progress made in Chief Commissioners' Provinces

173. *Judiciary*.—The Judicial organisations existing in the States were in varying stages of development. Soon after the creation of the new Chief Commissioners' Provinces steps were taken to reorganise the pre-existing judicial machinery. Courts of Judicial Commissioners presided over by competent judicial officers have now been established in all these areas.

*Legislation*.—The initial notifications under the Extra-Provincial Jurisdiction Act creating the Chief Commissioners' Provinces provided for the continuance of the pre-existing laws of the integrating States. Thereafter, until the coming into force of the Order under Section 290A of the Government of India Act, 1935, the Government of India issued necessary notifications repealing obsolete laws and applying the more important Central and Provincial laws.

*Agrarian Reforms*.—The problem of agrarian reforms needed urgent attention in Himachal Pradesh and Kutch. In Himachal Pradesh there existed a special class of tenants called "bethus" who were under an obligation to render personal service to the landowners in return for certain cultivating rights. Occupancy rights have now been conferred on all "bethus" who were in cultivatory possession of the land for three generations, on payment of rent equal to one and one fourth times the land revenue and cesses on the land. In Kutch more than one-half of the cultivable land did not pay revenue to the State and was in the hands of jagirdars and alienees. Steps have been taken to reorganise the Revenue Department in Kutch and to apply the necessary revenue laws. A Land Revenue Code, Tenancy laws and the laws designed to deal with alienated lands and jagirdars have been drafted and are being examined by the Government of India.

*Communications*.—Special attention was given by the Government of India to the improvement of communications in the newly created Chief Commissioners' Provinces. The problem was specially important in Himachal Pradesh and Tripura. The development of Himachal Pradesh depends entirely on the improvement of communications; steps have been taken to improve the existing roads and to construct new roads connecting the main centres in Himachal Pradesh with each other and with the rest of India. After partition, the people of Tripura had to depend on West Bengal and other parts of India for their essential civil supplies needs. Urgent steps are being taken to connect the area with the main communications system.



in West Bengal and Assam. Pending the completion of these schemes, airstrips have been constructed in suitable places in Tripura so that essential commodities may be flown to that area. In Kutch also steps have been taken to improve the road communications.

### **Progress made in the Unions of States**

174. So far as the Unions are concerned, the task of creating an entirely new administrative structure has been one of immense difficulty. To assist the Union Governments in their work, the Government of India have made available to them the services of experienced advisers and have also deputed senior officers of all-India services to fill certain key posts such as those of Chief and Finance Secretaries and Inspector-General of Police. The Government of India are keeping a watchful eye on the progress of integration and have been extending all possible assistance to the Union Governments.

*Judiciary.*—Steps have been taken in all Unions to reorganise the entire Judicial machinery. High Courts on the lines of Provincial High Courts have been constituted in all the Unions.

*Legislative activities.*—Codification of laws and their approximation to the Provincial legislation has made considerable progress in the Unions. Ordinances have been issued or Acts promulgated, constituting High Courts, Public Service Commissions and Boards of Revenues, and dealing with abolition of internal customs duties, safety and security measures, prevention of corruption and bribery, etc. In some of the Unions Central and Provincial enactments have been adopted with the necessary adaptations.

*Secretariat Organisation.*—In most cases, the Union Governments started with a nucleus Secretariat, staffed by men drawn from the Secretariats of the integrating States. The task of the setting up of proper Secretariats has now been completed in all Unions.

*Integration of Services.*—The pay, qualifications, experience, etc., of the staff of the Covenanted States differed widely and it was a difficult task to organise cadres of different services with uniform scales of pay. Committees consisting of senior officers were appointed to carry out a preliminary selection of officers to staff the Secretariat and the Districts. In Patiala and East Punjab States Union and Madhya Bharat, Administrative Services, on the lines of Provincial Civil Services, have been constituted.

*Public Service Commissions.*—Statutory Commissions entrusted with the task of recruitment to the Services and selection of officers for important posts have been constituted in all Unions. Wherever necessary officers with administrative experience and experience of working of Provincial Service Commissions have been made available to the Unions as Chairmen of their Commissions. Rules regulating the functions of these Commissions have been issued.

*District Organisation.*—The work of demarcating Divisions (wherever necessary), Districts and Talukas has now been completed in all the Unions. Saurashtra has been divided into 5 districts, Patiala and East Punjab States Union into 8 districts, Madhya Bharat into 3 divisions sub-divided into 16 districts in all, and Rajasthan into five divisions and 24 districts. The former Cochin State has been constituted into a District of the United State of Travancore and Cochin, the total number of districts for the entire Union being 4.

*Boards of Revenue.*—Boards of Revenue on the lines of similar bodies existing in some of the Provinces have been constituted in Madhya Bharat, Rajasthan and Travancore-Cochin. In Saurashtra a Revenue Tribunal on the lines of the Tribunal in Bombay functions as the highest Court of Appeal in revenue matters. As in the Punjab a Financial Commissioner (Revenue) functions as the highest revenue Court in Patiala and East Punjab States Union.

*Agrarian Reforms.*—Soon after the formation of the Unions, the respective Governments had to tackle the question of agrarian reforms. The systems of assessment and land tenures were different in the integrating States and with the advent of popular Governments in the Unions it was no longer possible to postpone the question of reforms. The problem was essentially the same in all the Unions, namely, that of conferment of permanent rights on cultivating tenants, but it took different shapes in different Unions according to the traditional system of land ownership and cultivation. There was, for example, the zamindari and jagirdari problem in Madhya Bharat and Rajasthan. The Central Government appointed a Fact Finding Committee to enquire into and report on the problem in these two Unions and to suggest remedies. The report submitted by this Committee is now being examined. In the Patiala and East Punjab States Union a beginning was made by the issue of an Ordinance providing for the conferment of permanent rights on certain classes of occupancy tenants. The method adopted in this Union was to divide the land between the occupancy tenant and the landlord in the ratio 3:1. The tenant has the

right to purchase the landlord's share also on terms to be settled by a Partition Committee. This class of tenant could thus become a peasant proprietor in the true sense of the term. In Saurashtra the Government issued an Ordinance conferring on the landholder the right to reserve Garkhed land according to a prescribed scale, the remaining portion of his land continuing with the tenants. There was strong agitation against this Ordinance on the part of the landholders. On general grounds it was felt that it would not be appropriate to embark on such important legislation without a comprehensive enquiry by a Fact Finding Committee. The Saurashtra Government are taking steps to appoint such a Committee. In Travancore-Cochin a Committee consisting of non-official members has been appointed to enquire into and report on the integration of the land tenure system and on certain problems connected with agrarian reforms.

*Internal Customs Barriers.*—With the integration of States into Unions customs barriers as between the integrating States were abolished. In Rajasthan and Madhya Bharat after the abolition of the barriers within the Unions steps were taken to introduce uniform rates of duties leviable on the frontiers of the Unions. Similar action was taken in Saurashtra. The problem was more difficult in Travancore and Cochin as the total abolition of internal customs barriers involved a loss of revenue of over rupees ten millions. It was, therefore, decided to shift, as an interim measure, the customs barriers around the Travancore State to the boundaries of the United State. In the light of the recommendations of the Indian States Finances Enquiry Committee and having regard to the convenience of the general public it was later decided to abolish these barriers with effect from 17th September, 1949.

### **Constitutional Relationship with the Centre**

175. On the formation of the Dominion of India, the States acceded only on the three subjects of Defence, Foreign Affairs and Communications. With the formation of the Unions of States the necessity of enlarging the content of the accession of States was more acutely felt. In the Covenant establishing the second United State of Rajasthan, therefore, a permissive provision was made for extending the Dominion's legislative powers over the Union. In all subsequent Covenants, this provision was made mandatory. All the Rajpramukhs (including the Rajpramukhs of Unions in whose Covenants a provision in this behalf was not included) subsequently signed fresh Instruments of Accession (Appendix XLIX) by which they acceded to the Dominion of India in respect of all matters specified in the Federal and Concurrent Legislative Lists, excepting those

relating to taxation. The State of Mysore followed suit. (Appendix L). This important development placed these States, in respect of Central legislation, in the same position as the Provinces except that in the fiscal field the Unions and States, continuing as separate units retained their own pre-existing public finance structure. The gap in this field has been filled by the Agreements which have been negotiated with the States on the basis of the recommendations of the Indian States Finances Enquiry Committee, which are explained in detail in the next chapter.

### Indian State Forces

176. The position of the Indian State Forces in the new set-up has an important bearing on the question of the readjustment of the fiscal relationship between the Centre and the States. These forces constitute a body of troops maintained by certain States under conditions, and in conformity with regulations, laid down by the Government of India. The scheme governing the maintenance of Indian State Forces assigned to them a definite role in the overall defence structure of India and provided for the maintenance by them of appropriate standards of efficiency, equipment etc.

177. The number of the States which maintained armed forces before August 15, 1947, was 44. Since then, a number of these States have been merged and with the coming into operation of the new Constitution of India, there are only eight States, namely, the five Unions and the States of Jammu and Kashmir, Hyderabad and Mysore, which still have units of armed forces. So far as the merged States are concerned, the I.S.F. units of the erstwhile Kutch, Kolhapur and Baroda States, of the Gujarat States merged with Bombay, and of the States forming Himachal Pradesh, have been integrated with the Indian Army. The absorption in the Indian army of the forces of the other merged States is now under way.

178. So far as the Unions of States are concerned, the present position is that except in Travancore-Cochin the authority in respect of the forces of the Unions vests in the Rajpramukh, but in the exercise of this authority, he is subject to any directions or instructions that may from time to time be issued by the Government of India.

179. The future organisation of the States Forces has been receiving the attention of the Government of India. For this purpose a series of conferences were held with the Rajpramukhs in 1948 and 1949. As a result, full agreement has been reached about the future treatment of these forces, and an agreed scheme has been drawn up. The main features of this scheme are :

- (i) that these forces will be commanded by an officer of the Indian Army lent to the Rajpramukh for the purpose;
- (ii) that the strengths and organisation of these forces will be fixed with reference to the role which they will play in the defence of India as well;
- (iii) that in consequence there should be a reconstitution and reorganisation of these forces on the pattern of the Indian Army;
- (iv) that officers will hereafter be selected through the same machinery and in the same manner as for the Indian Army; the extra number will accordingly be selected, trained and commissioned by the Government of India and appointed by the Rajpramukhs of the respective Unions;
- (v) that promotions etc. will be made on the same lines as they are made in the Indian Army; and
- (vi) that there will be a certain amount of inter-changeability of officers between the Indian Army and the State Forces.

180. These forces will immediately come under the operational command of the Indian Army Commands in whose area the Unions are located. It is intended to complete the process of reorganisation by the end of 1951 when the forces of the Unions of States will in all respects, including pay and allowances, organisation, etc. be on a par with the Indian Army units. As a result of the agreements concluded with the States and Unions in regard to the federal financial integration the expenditure for these forces will, as from the date on which the federal financial integration takes place, be a charge on the revenues of India.

To give legal cover to this arrangement, a special provision has been made in the new Constitution of India (Article 259) to the following effect:

“(1) Notwithstanding anything in this Constitution, a State specified in Part B of the First Schedule having any Armed Forces immediately before the commencement of this Constitution may, until Parliament by law otherwise provides, continue to maintain the said Forces after such commencement subject to such general or special orders as the President may from time to time issue in that behalf.

(2) Any such Armed Forces as are referred to in clause (1) shall form part of the Armed Forces of the Union”.

### **Extension of All-India Services**

181. A further step towards the administrative unification of India, which is receiving the attention of the Government of India, is the participation of the States in the all-India scheme of recruitment to the Administrative and Police Services. The question arose in connection with the Emergency Recruitment Scheme for which persons domiciled in Acceding States had been declared ineligible. At a conference of Premiers of Unions of States held in July 1948, general agreement was reached that if the Government of a State or Union of States established a cadre in its own territory in the same way as Provinces had done, candidates from such States or Unions should be eligible for appointment to the All-India Services concerned on the same terms as candidates from Provinces. After obtaining the agreement in principle of Governments of States and Unions of States regarding participation in the scheme of All-India Services, a conference of Chief Secretaries was held in July, 1949 to finalise the scheme. On the basis of these discussions, a scheme for the participation of States in the I.A.S. has now been drawn up by the Government of India (Ministry of Home Affairs) for the constitution of five independent cadres for Hyderabad, Rajasthan, Madhya Bharat, Mysore and Travancore-Cochin, a joint cadre for Vindhya Pradesh with the Central Provinces, a joint cadre with Bombay for Saurashtra and a joint cadre for Patiala and East Punjab States Union with East Punjab. For the initial constitution of the cadre, recruitment is to be made (a) from the existing incumbents of posts hereafter included in the I.A.S. cadre and (b) from the open market under the emergency recruitment scheme which is already applicable to the Provinces. For recruitment from the first source States and Unions have set up suitable Selection Boards in consultation with the States Ministry for considering the claims of existing incumbents of the senior posts. The recommendations of the Selection Boards will be further scrutinised by the Special Recruitment Board set up by the Government of India, who will interview all officers recommended by the States and Unions and advise which of them should be immediately absorbed in the I.A.S. and who should be considered for such absorption in the course of not more than five years on showing sufficient promise to attain the I.A.S. standard. Vacancies remaining after the existing incumbents have been considered will be filled by open market recruitment on the basis of the current emergency recruitment scheme for Provinces, a fresh opportunity being given to persons domiciled in the States to apply to the Special Recruitment Board through a supplementary advertisement. All the Unions and States have accepted the main principles of the scheme.

A similar scheme in respect of the Indian Police Service has been prepared and referred to all Unions and States.

The arrangements contemplated under these schemes will not only help to improve the administrative standards of the Unions and States but also bring about closer co-ordination and co-operation between the administrations of the Centre and the States.

### Exchange of Enclaves

182. The progress made in the direction of administrative unification of India rendered it possible to deal with the problem of the territorial enclaves. The existence of numerous small enclaves of States in Provincial territories and *vice versa* and of one State in the other, led to serious administrative difficulties specially in regard to the maintenance of law and order and the administration of various control measures in force in the Provinces and States concerned. In the interest of administrative efficiency it was considered essential that these small enclaves should be immediately merged in the Provinces/States in which they were situated and it was decided to effect the necessary territorial readjustments under the provisions of Sections 290, 290A and 290B of the Government of India Act, 1935.

Proposals for transfer and exchange were discussed in regional meetings of Governments of Provinces and States held for this purpose in Delhi. In most cases agreed settlements were reached in these meetings. In the remaining few cases tentative conclusions reached by the States Ministry after careful consideration of all the factors involved, were communicated to the Governments of Provinces and States concerned. These were finalised after further discussions between the Governments concerned and with the States Ministry. In a few cases certain small islands have not been transferred to the Province or State in which they are situated either because their assets would be materially diminished by such transfer or for other important administrative reasons. Large blocks of territories, even though forming enclaves of one unit in another, have not been exchanged or transferred.

The final decisions reached were implemented by means of two Orders (Appendices LI & LII) issued by the Governor-General and an Agreement (Appendix LIII) concluded between the Rajpramukhs of Madhya Bharat and Rajasthan with the approval of the Government of India. The two Orders are (1) The Provinces and States (Absorption of Enclaves)

Order, 1950 and (2) The India and Hyderabad (Exchange of Enclaves) Order, 1950. The main provisions of these orders are that the enclaves will form part of the absorbing units, the laws of the surrendering units will be replaced by those of the absorbing units and the properties and assets as well as rights, obligations and liabilities in respect of the enclaves will pass on to the Government of the absorbing unit.



## PART IX

### FEDERAL FINANCIAL INTEGRATION

#### PUBLIC FINANCE STRUCTURES OF INDIAN STATES

183. The States and Unions of States which continued as separate units had retained their own pre-existing public finance structures. These had one common feature, distinguishing them from the Provinces of India, in that except in respect of certain matters covered by the Standstill Agreements, the States were free to follow their own policies in matters of "federal" finance and taxation, that is to say, in that field of public finance, such as Customs, Income-tax, Central Excises, Railways, Posts and Telegraphs, etc., which in the Provinces of India, was reserved for the Central Government. Moreover, unlike the Provinces, the States and Unions continued to bear expenditure of a federal nature, such as that relating to Defence; and many of them continued to derive substantial revenues from internal customs duties upon trade with the rest of India. The question of extinguishing these special rights and obligations of the States in the field of federal finance and of making good to them the net gap in their revenues, which might arise if their revenues and expenditure of a federal character were taken over by the Central Government as being more appropriate to its functions, was a difficult one; and the situation was further complicated by the variety of conditions prevailing in this respect, and also in the field of "provincial" finance, in the various States.

184. Apart from this central problem of federal finance in relation to the future Constitution of India, in which it was hoped that the States and Unions would occupy precisely the same position as Provinces, there was the further need, on purely economic and fiscal grounds, to bring about uniformity in the structure and administration of federal finance throughout the country, without which the unity of India would be altogether incomplete and any co-ordinated progress in the economic sphere impracticable. The following observations of the Joint Parliamentary Committee on Indian Constitutional Reforms (1933-34) had already indicated the dangers inherent in an unco-ordinated fiscal administration in India, even at that time:—

"The existing arrangements under which economic policies, vitally affecting the interests of India as a whole, have to be formulated and carried out are being daily put to an ever-increasing strain, as the economic life of India develops. For instance, any imposition of internal indirect taxation in British India involves, with few exceptions the conclusion

of agreements with a number of States for concurrent taxation within their frontiers, or, in default of such agreement, the establishment of some system of internal customs duties—an impossible alternative, even if it were not precluded by the terms of the Crown's treaties with some States. Worse than this, India may be said even to lack a general customs system uniformly applied throughout the sub-Continent. . . On the one hand, with certain exceptions, the States are free themselves to impose internal customs policies, which cannot but obstruct the flow of trade. Even at the maritime ports situated in the States, the administration of the tariffs is imperfectly co-ordinated with that of the British-India ports, while the separate rights of the States in these respects are safeguarded by long-standing treaties or usage acknowledged by the Crown. On the other hand, tariff policies, in which every part of India is interested, are laid down by a Government of India and British-India Legislature in which no Indian State has a voice, though the States constitute only slightly less than half the area and one-fourth of the population of India.....

Moreover, a common company law for India, a common banking law, a common body of legislation on copy-right and trade-marks, a common system of communications are alike impossible. Conditions such as these which have caused trouble and uneasiness in the past, are already becoming and must in the future increasingly become intolerable as industrial and commercial development spreads from British India to the States".

185. Finally, there was the urgent need to accord some measure of immediate financial assistance to some of the States in connection with their increasing burden from having continually to subsidise the sale of food-grains at prices which would be within the reach of the consumer. It was clear both to the Government of India and to the States and Unions themselves, that apart from some *ad hoc*, temporary assistance in this respect, it was impossible for the Centre to systematize subsidies and other forms of financial assistance to the States on any planned basis, without first considering the central problem of the financial relationship between them and the Centre. It was evident that unless the Centre had the same sources of revenue and the same responsibilities for the discharge of federal functions in States as in Provinces, it would not be

possible to deal with the problem of financial assistance in any satisfactory manner, especially if such assistance was to be on the same basis and on the same principles as were applicable to the Provinces.

### **Indian States Finances Enquiry Committee**

186. The problems which thus arose for solution in the field of federal finance in relation to States and Unions were both difficult and complicated; and the Government of India felt that it would be desirable to examine them systematically, in detail. Accordingly, by a Resolution dated 22nd October 1948, the Government of India appointed a Committee of experts (hereinafter referred to as the Indian States Finances Enquiry Committee) consisting of Shri V. T. Krishnamachari (then Diwan of Jaipur) as the Chairman, and Shri S. K. Patil and Shri N. Dandekar, I.C.S., as members. The Committee's terms of reference were as follows:—

“To examine and report upon:”

- (1) the present structure of Public Finance in Indian States and Unions of States;
- (2) the desirability and feasibility of integrating Federal Finance in Indian States and Unions of States with that of the rest of India, to the end that a uniform system of Federal Finance may be established throughout the Dominion of India;
- (3) whether, and if so, the extent to which, the process of so integrating Federal Finance in the Indian States and Unions with that of the rest of India should be gradual and the manner in which it should be brought about; and the machinery required for this purpose, especially as regards the legislative groundwork and the administrative organisation necessary for the imposition, assessment and collection of federal taxes;
- (4) the results of such a policy of integrating Federal Finance upon the finances of Indian States and Unions and the consequential financial adjustments and relations which should subsist between the Governments of the Indian States and Unions on the one hand and the Government of India on the other;
- (5) the measures which the Committee may consider necessary and/or desirable for revising in the light of present day

conditions and standards, and having regard to the requirements of modern administration, the structure of Provincial Finance and, in particular, the leve's and sources of Provincial revenues in Indian States and Unions of States;

- (6) any other consequential and/or cognate matters which the Committee may consider as arising out of the foregoing terms of reference."

Items (1) and (5) of the terms of reference were concerned with what may be described as "Provincial Finance" in States and Unions. They were subsequently deleted at the Committee's instance because the field to be covered was far too wide. Moreover, the remaining terms of reference presented a compact subject, that of "federal finance", of the utmost immediate importance in view of the impending constitutional changes; the Committee considered that these alone could conveniently be dealt with within the time at its disposal.

187. The Committee commenced work in November 1948 and submitted the following unanimous Reports:

The First Interim Report, concerning Baroda, was submitted on 1st June 1949.

The Second Interim Report, concerning Travancore and Cochin States, was submitted on 10th June 1949.

Part I of the Final Report, setting out the main principles of federal financial integration was submitted on 9th July 1949; the subject of Income-tax (and other taxes on income) was dealt with in a self-contained "Annexure" to this Report.

Part II of the Final Report, setting out the detailed application of the main principles, and containing the financial integration "Scheme Reports" for individual States and Unions (other than Baroda, Travancore, Cochin and Hyderabad), was submitted on 22nd July 1949.

Finally, a Supplementary Report concerning Hyderabad was submitted on 31st July 1949.

The Committee did not deal with Kashmir. As regards the States merged (or likely to be merged) in "British India" under Section 290A of the Government of India Act, 1935, the principles underlying the Committee's recommendations concerning Baroda could be applied. That left only eight units: the States of Mysore and Hyderabad and the-

Unions of States which included, at the time, Vindhya Pradesh. Each of these was reported upon. And it is with them that this Chapter is mainly concerned, although occasionally there will be a reference to Baroda also. All of them are hereinafter referred to as "States" except when any reference to a Union of States becomes specially necessary.

After the Committee's recommendations had been examined in detail by the Government of India, personal discussions and negotiations with representatives of States were commenced on the 26th September 1949 and concluded on the 9th October 1949. The agreed results of these negotiations were recorded in each case in the form of a short "Memorandum of Agreement".

### **Constitutional Provisions**

188. Meanwhile, the Constituent Assembly took up the Draft Constitution of India for second reading and embodied into it certain provisions designed to bring the States into the future Union of India on practically the same basis as the Provinces of India. The relevant provisions of the Constitution of India to which reference may be made in this connection are:—

Part VI, containing the provisions relating to the Provinces of India.

Part VII, applying the above provisions to the States, subject to necessary modifications.

ARTICLES 278, 291, 295 and 306	}	Providing for necessary Agreements with States in connection with "federal" revenues, Privy Purses, Assets and Liabilities, and abolition of internal customs duties.
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These provisions furnished the necessary constitutional framework within which could be set the financial integration of the States with the rest of India at the federal level, on the lines recommended by the Indian States Finances Enquiry Committee. Those recommendations are explained in the following paragraphs.

### **Recommendations of the Committee**

189. The fundamental basis of the Committee's approach was that financial integration must necessarily be viewed as merely an essential part of the general federal integration of India resulting from the fact that under the "Objectives" Resolution of the Constituent Assembly the Provinces and the States alike would be *equal* partners in the Union of India.

From this concept of States and Provinces as equal partners' it follows that the Central Government should function in States over the same range of subjects and with the same powers as in Provinces. It is only in this way that the Union of India will gain in strength and its policies in effectiveness. There is no Federation in which the Central Government possesses different levels of power and authority in the units comprised in it. Such differences in jurisdiction from unit to unit are bound to be a source of weakness and to produce a sense of unfairness among the less favoured units which will be fatal to friendly relations and orderly progress.

The Committee therefore rightly conceived federal financial integration "as a necessary consequence of the basic conception underlying the new Constitution of the Union of India," and this clearly involved that the whole project should be grounded upon the following propositions:—

"Federal Financial Integration must be based upon complete equality between Provinces and States in the following respects:—

- (1) the Central Government should perform the same functions and exercise the same powers in States as in Provinces;
- (2) the Central Government should function through its own executive organisations in States as in Provinces;
- (3) there should be uniformity and equality in the basis of contributions to Central resources from Provinces and States;
- (4) there should be equality of treatment as between Provinces and States in the matter of common services rendered by the Central Government, and as regards the sharing of divisible federal taxes, grants-in-aids, "subsidies", and all other forms of financial and technical assistance."

These propositions have been accepted without reserve by all States; but in the course of subsequent negotiations' the representatives of some of the Unions urged—and the Government of India readily accepted—the inclusion of the following further proposition:

"There is need for assistance to Unions of States in connection with the internal integration of their administrations and services, and particularly in relation to their development in various directions in view of the undisputed fact that

they are in a state of considerable backwardness compared with Provinces. Government of India must, therefore, undertake a systematic enquiry into this problem with a view to rendering financial and technical assistance at the earliest opportunity; it will not be enough merely to say that as a result of federal financial integration, they will be treated in the matter of grants and other forms of assistance in exactly the same way as Provinces''.

190. With these as the basic conceptions, the Committee proceeded to a consideration of the practical consequences of federal financial integration. In the words of the Committee:

''Federal integration. . . . . essentially involves a two-fold process,—one of 'functional partition' of the present 'composite' State Governments; and the other of 'merger' of the partitioned 'federal' portions of the State Governments (together with the revenues, assets, liabilities and functions appropriate thereto\*), with the present Central Government in India (together with its corresponding resources), to constitute a *new* Government of the Union of India.'' \*\*

Consequently—

“(a) All present and future revenues from “federal” sources and all expenditure on functions and services of a ‘federal’ character, together with all assets and liabilities connected therewith, must be transferred from the States to the Centre; so, too, the administration of all these Departments. And all internal trade barriers must be abolished.

(b) Subject to a measure of gradualness in certain directions as regards the full effect of its impact, federal financial integration should be complete in all respects from the outset.”@

On the question of compensation to the States for their federal revenues and assets passing to the Centre, the Committee was equally clear. Its recommendation was as follows:—

“30. A general question which arises in this connection at the very outset and to which we have devoted much attention and we have also

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\* List I of the seventh Schedule to the Constitution of India.

\*\* Page 20, Part I of Committee's Report.

@ Pages 1-2, Part II of the Committee's Report.

discussed with the Governments concerned, is whether, upon the integration of their present "federal" functions and finances with those of the Union of India, States are entitled to "compensation", in the form of payment of market value or capital invested according to accounts, for the "federal" assets transferred to the Central Government. The most important of these assets are the Railway systems in States.

*"We have no doubt whatever that the question of compensation in this form does not arise and cannot be raised.*

"We shall first take the case of a State like Baroda, which is being "merged" in the Bombay Province. The constitutional position here is that the Ruler of Baroda, by agreement with the Dominion Government, cedes to the Dominion "full and exclusive authority and jurisdiction and powers for and in relation to the governance of the State". The Dominion Government thereupon takes over all the "federal" or "Central" functions appertaining thereto and by an order under Section 200A of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, directs that Baroda State "shall be administered in all respects as if the State formed part" of the Governor's Province of Bombay. When such an order is made the Government of Bombay assumes only the "Provincial" functions in the area, with all the revenues, assets and liabilities appertaining thereto. It is obvious that there can be no question in this case of the Government of India paying compensation to the Bombay Government for any federal assets.

"Essentially similar is the case in respect of States which retain their individuality. Like Baroda, before its "merger", they now have "composite" Governments, comprised of two functional entities—one with "federal" functions and the other "provincial" functions. Complete "federal integration" means a "functional" bifurcation, the "federal" portions of the State Governments are to become integrated with the Government of the Union of India, leaving behind "provincial" State Governments with purely "provincial functions". There can, therefore, be no question of the revenues of the Union of India paying compensation of the nature indicated, to the "provincial" section of the States Governments, when the Railways and other services, which are to be "federally" administered for the benefit of the people in these areas, are taken over by the Union Government of India.



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“Fundamentally, it is not a case of the present Government of “British India” purchasing the Railways of “Indian States” as a commercial investment for the benefit of “British India”. What is involved is a process of *pooling together* the “federal” resources of the people of the States with the “federal” resources of the people of “British India”; the result is a merger of the “federal” resources of the people of India as a whole,—that is, of the States and of “British India” alike—for administration, in the interests of all, by a new Central Government of the Union of India whose “power and authority” (together with the wherewithal for their exercise), are derived from all the Units. In the circumstances no question of payment of “compensation” can obviously arise

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“We consider, therefore that except for certain necessary financial adjustments (concerning the equitable apportionment of the States’ liabilities between them and the Centre) no “compensation” as such should be paid for any assets passing to the Centre as a result of the integration of the federal finances of the States with those of the rest of India.

“31. We are equally clear that no similar question of “compensation” arises in connection with the integration of such “federal” revenues of the States as Customs duties on foreign trade, Central Excise Duties, Income-tax and the like.

“We recognise, of course, that the integration of all “federal” revenues of States with those of the Centre will give rise to maladjustments in their financial position; and the remedy for this lies in ascertaining the precise extent of the net over-all dislocation likely to be caused, and then providing necessary financial (revenue) adjustments between the Centre and the States, over such transitional period as may be permitted by the Union Constitution..... so as to avoid such dislocation.”\*

191. These constituted the governing principles of federal financial integration when the matter was approached from the point of view

of the Federation. Looked at from the point of view of the States, however it involved some very difficult administrative and financial problems. In the first place, there was the sheer administrative problem of bringing about such a large scale merger of functions, resources and personnel at the federal level; next there was the problem of equitable allocation and apportionment of liabilities; and finally, there was the need to evolve certain transitional financial adjustments such as would avoid any sudden financial dislocation in the States. The Committee fully realised the magnitude of these difficulties and the necessity to find adequate solutions for them.

(1) The Committee's recommendations concerning the administrative problem need not be referred to here. Its various aspects—legislative, executive and "personnel"—are under separate examination, in consultation with the States and with the various Ministries of the Government of India.

(2) In regard to the equitable allocation and apportionment of the liabilities of the States between them and the Centre, the Committee's detailed recommendations are contained in Chapter III of Part II of its Report; and their actual working has been illustrated in the subsequent chapters which contain the integration schemes for individual States. As an example, Section B of the Mysore Scheme (in Chapter IV at p. 81 of Part II of the Committee's Report) may be referred to. These recommendations resulted from certain basic principles, set out at p. 21 of Part I of the Committee's Report, viz:—

- “(i) that the Centre should also take over all public debts specifically incurred in connection with (federal) assets;
- (ii) that where the public debt of a State is not specifically earmarked as incurred for individual capital assets, it should be distributed between the Centre and the State in proportion to the “federal” and “provincial” productive capital assets;
- (iii) that where, apart from public debt, there is in any State, an excess of current liabilities over liquid assets, such excess should also be distributed between the Centre and the State in the same proportion as above; and

- (iv) that, to the extent that the loss of revenue from whose assets . . . . is likely to cause sudden dislocation of the finances of any State, the problem will be one of necessary financial adjustments on revenue account between such State and the Centre, *i.e.*, should form part of the over-all problem of the financial consequences of the integration to be dealt with under item (4) of our Terms of Reference."

(3) Finally, as regards transitional financial adjustments required on revenue account and the need for gradualness in the process of financial integration, so as to avoid any sudden dislocation of the finances of the States, the Committee recommended as follows [paragraph 2(c) of Part II of its Report]:—

- "(i) the abolition of internal customs duties in one or two States may be spread over three to five years; in all other States these duties should be abolished as soon as financial integration becomes effective;
- (ii) the rates of Income-tax in States should be raised to the level of Indian rates in two or three stages;
- (iii) the *administrative* transfer of certain 'federal' functions and services to the Centre may be effected gradually;
- (iv) the transfer of the net 'burden' of financial integration to the States (or the Centre) must be gradual; it should take the form of appropriate financial adjustments between the Centre and the States, extending over such transitional period,—ten years, or fifteen,—as may be provided in Article 258\* of the Draft Constitution; and these adjustments should be so devised as to cause no sudden dislocation of the finances of States or of the Centre at the commencement of financial integration, or during (or at close of) the transition period.

The foregoing recommendations and the action taken thereon are explained in the succeeding paragraphs.

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\*Article 278 of the Constitution as finally adopted

### Internal Customs Duties.

192. The only States which now levy such duties are Hyderabad, Rajasthan, Madhya Bharat, Saurashtra and Vindhya Pradesh.

In regard to the first three, the Committee recommended varying periods, of three to five years, for the abolition of these duties and for their substitution by sales tax. In subsequent discussion with the representatives of these States, it was agreed that the period required would have to be 4 years in the case of Hyderabad and 5 years in Madhya Bharat and Rajasthan. These duties could doubtless be abolished even earlier, if the Centre could give some direct financial assistance; but present conditions render such a solution impracticable.

The Committee recommended the abolition of internal customs duties in Saurashtra and Vindhya Pradesh on 1st April 1950, and the grant of some small direct financial assistance to them by the Centre in that connection. Vindhya Pradesh agreed, but Saurashtra preferred gradual assistance; but present conditions render such a solution impracticable.

In no case will any "compensation" as such be payable.

### Income-tax

193. The Committee's recommendations concerning the introduction of Income-tax in 1950-51 in Madhya Bharat, Rajasthan and Vindhya Pradesh at the rates now in force in Saurashtra, and the gradual raising of all State rates to the Indian level over a period of two or six years depending upon their present level of rates have been accepted by all States. In the case of PEPSU and Travancore-Cochin it was further agreed that full Indian rates may be introduced from 1950-51 itself.

As regards division of Income-tax it has been agreed that no State could participate in the all-India "Pool" until two years after the full level of Indian taxation had been reached; meanwhile, there would have to be some *ad hoc* arrangement for each State *e.g.* that each State should get 50 per cent. of the divisible Income-tax collected within such State.

In the case of Mysore, Hyderabad, and Travancore-Cochin whose last financial years ended on 30th June, 30th September and 16th August 1949, respectively, special agreed arrangements have been concluded enabling them to get the due proportion of their Income-tax revenue in respect

of the broken period upto 1st April 1950 when federal financial integration would become effective. A slightly different modification had to be made in the case of Saurashtra where, though the financial year ends on 31st March, income-tax was first introduced only in 1949-50.

### **Gradual Integration of Certain Departments.**

194. As regards Defence Forces, it was agreed as recommended by the Committee that only the "sanctioned" Indian State Forces would become a "federal" charge; the rest, commonly described as "irregulars" would continue to be the responsibility of the States subject to the general control of the Central Government and could be gradually liquidated by retrenchment or by absorption of suitable individuals into the "sanctioned" forces or into the police forces. The special administrative arrangements concerning the "sanctioned" forces which were recently concluded would, however, continue until other arrangements were made in due course for evolving a balanced Army in India as a whole including the States.

As regards the other "federal" departments, the following would be taken over on 1st April, 1950 (13th April 1950 in the case PEPSU) for direct administration by the Centre:

Railways; Posts and Telegraphs; Audit and Accounts; all departments of "federal" revenues; also Currency, Coinage and Mints.

The question whether, in view of various administrative and other difficulties the remaining "federal" departments should not continue to be administered for some time through the States themselves as "Agents" of the Centre is under active consideration.

### **Financial Adjustments on Capital Account**

195. Subject to certain necessary modifications as to details, the Committee's recommendations about the apportionment and allocation of assets and liabilities have been accepted by all States.

In Madhya Bharat, Rajasthan, PEPSU and Saurashtra, the Committee expected that there would be a surplus of liquid assets over liabilities; it recommended that a portion of this surplus (5 per cent. in the case of PEPSU and 10 per cent. in other cases) should be allocated to the Centre for expenditure on federal objectives in those areas. It was, however, subsequently agreed to waive this in all cases except Saurashtra, where certain concessions were made in other directions.

### Financial Adjustments on Revenue Account

196. This was one of the most important subjects dealt with by the Committee. The main object was the avoidance of sudden dislocation of the finances of the States or of the Centre as a result of federal financial integration. The technique suggested for this purpose was as follows:

- (1) A computation should be made of the revenue from "federal" sources and from internal customs duties which each State would lose, and of the "federal" expenditure which it would save as a result of federal financial integration. For this purpose the "privy purse" payable to Rulers under the Covenants entered into with them should be regarded as expenditure to be borne by the Centre, if it were subsequently decided (as has now been done) that they should be a "federal" liability under the new Constitution.

That the loss of revenue to the States should be measured by the *average* of such revenue during the three completed financial years of the State immediately preceding 1st April 1950; and the saving of expenditure should be measured by the expenditure on federal subjects actually incurred by the State in only the last of such years, where reliable accounts for earlier years were not available, as in the case of five Unions of States, the loss of revenue was to be measured, except as regards Railway revenue, on the basis of one year only.

These recommendations have been accepted by all States, with the modification that instead of a three-year average for revenues, a two-year average would be taken. Certain other minor modifications affecting the computation of particular items of revenue were also made.

- (2) The loss of revenue from internal customs duties should be wholly borne by the States, except where such duties were to be entirely abolished on 1st April 1950.

This recommendation was accepted by all States.

- (3) As regards "federal" revenues, properly so called, the *net* loss (or profit) to a State resulting from federal financial integration was to be computed by setting off the 'federal' expenditure saved against the 'federal' revenues lost.

- (a) If the result was a net profit to the state *i.e.*, if the saving in expenditure on federal subjects exceeded the loss of federal revenues (as in the case of Vindhya Pradesh, Rajasthan, Madhya Bharat and PEPSU), the adjustment suggested was the recovery by the Centre from the State of the amount of such profit (limited to the amount of the privy purse) over a period of 10 years in diminishing amounts, *viz.*, 100 per cent. in the first year, 90 per cent. in the second year, 80 per cent. in the third year, and so on until there would be only a 10 per cent. recovery in the 10th year and none in the eleventh year.

This recommendation has been accepted by the States concerned with the modification in the case of Madhya Bharat and Rajasthan, that the recovery would be spread over 5 years only (diminishing by 20 per cent. per annum), in view of the increasing income-tax revenue likely to accrue from these States.

- (b) If the result was a net loss to the States *i.e.*, if the loss of federal revenues exceeded the saving in expenditure on federal subjects (as in the case of Travancore-Cochin, Mysore, Hyderabad and Saurashtra), the adjustment suggested was that the Centre should guarantee to reimburse the whole of such loss for the first five years. and thereafter the Centre's reimbursement guarantee would be of diminishing amounts over the next five years, with no guarantee in the eleventh year. The diminution in each year, from the sixth to the tenth, would be one-fifth of the amount by which the original net loss of "federal" revenues exceeded 60 per cent. of such original net loss plus the whole of the loss of revenue from internal customs duties.

This had the result (as in the case of Travancore) that there would be no diminution of the Central guarantee in any case in which the net loss of "federal" revenues alone was 60 per cent. (or less) of the aggregate of such loss and the loss of internal customs duties taken together.

The above guarantee scheme was qualified in two important directions, firstly, in each year (1950-51 to 1959-60) the State concerned was entitled to receive *either* the guaranteed amount or its share of the divisible federal taxes

whichever may be higher; and secondly, there would be no guarantee from 1960-61 onwards.

This recommendation has been accepted by the four States concerned, with one important qualification in the case of Travancore-Cochin. That State will receive in the first three years (1950-51 to 1952-53) a further guaranteed sum equal to the amount by which its *actual* federal revenues of the year ending 16th August 1949 exceeded the average of such revenues during the two years ending 16th August 1949. This concession was necessitated by the need to give some compensating advantage as against the heavy loss resulting from the immediate total abolition of all internal customs duties.

### Miscellaneous Matters

197. The Committee's recommendations covered also a range of miscellaneous matters of which the most important are set out below.

(1) *Income-tax*.—Apart from the question of the *rates* of income-tax in merged States and in federating States and Unions, the Committee has made various recommendations of a technical character\* which are under separate examination. Action concerning those which relate to merged States has been completed; and those relating to the federating States and Unions will soon be taken up.

(2) *Staff in "Federal" Departments*.—In paragraph 11 (1) of Part II of its Report, the Committee recommended that—

“(1) The permanent staff wholly (or substantially) engaged on work connected with “federal” subjects in States on the prescribed date should be taken over by the Centre in appropriate grades and upon terms not less advantageous than in the service of the States. Temporary staff so engaged should also be similarly absorbed so far as possible, having due regard to their suitability. The States attach considerable importance to this point, and would be glad to release all such staff consistent, of course, with their own requirements in those departments (such as Excise)

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\* Annexure to Part I of the Committee's Report.



where the subjects dealt with are both "federal" and "Provincial" . . . . ."

This was a very important recommendation and has been accepted without reserve.

(8) *Cessation of "Federal" rights and Immunities:—*

This is another important subject upon which the Committee recommended as follows, in paragraph 11(2) of Part II of its Report:—

"With effect from the prescribed date, all 'rights and immunities' enjoyed or claimed by the States, whether expressly or by usage, and whether relating to 'federal' revenues and taxes generally (present or future), or to specific matters such as Railways, Customs, Posts and Telegraphs, Opium, Salt, etc. will terminate and must be extinguished. Thereafter, their constitutional position in respect of these matters should be the same as that of Provinces under the new Constitution of India.

All existing arrangements with individual States for pooling, sharing, division or apportionment of 'federal' revenues, taxes and receipts, e.g., Customs, Central Excise, Railway revenues of 'worked lines', interest on Railway 'loans' (whether with or without a share of profits), Salt Duty 'compensations', Opium 'royalties', Telegraphs receipts—and all existing forms of *ad hoc* payments and subsidies in respect of 'federal' matters should terminate on the prescribed date".

(4) *Date of Integration.*—The Committee recommended that federal financial integration should become effective from 1st April 1950. This has been accepted in all cases except PEPSU, where 13th April 1950—the commencement of its next financial year—has been agreed as the date for this purpose.

(5) *Banking and Treasury Arrangements.*—These will have to be reviewed in all States with a view to bringing them into line with the arrangements in vogue in the Provinces.

(6) *Ways and Means.*—All payments arising out of federal financial integration which the Centre may have to make to the States—whether by way of guaranteed subvention or other payments outside the guarantees—will be made in quarterly instalments in advance. Otherwise, the Ways and Means problem will cause them serious embarrassment.

### Memoranda of Agreements

198. The Government of India have accepted the recommendations of the Indian States Finances Enquiry Committee as modified in subsequent discussions with the States concerned, and steps have been taken to give effect to federal financial integration accordingly. The Memoranda of Agreements already executed and ratified by the States will now be embodied in formal Agreements. These Agreements will be under:—

Article 306 as respects the abolition of internal customs duties;

Article 295 as respects the allocation and apportionment of assets and liabilities;

Article 291 as respects contribution by certain States to the Government of India towards 'privy purse' payments.

Article 278 as respects transitional revenue adjustments, including the recovery of privy purse payments.

199. The Government of India have already in hand the necessary action to deal with innumerable points of detail—legislative, administrative, budgeting, accounting, etc.—pertaining to particular matters concerning each federal department in the States. These are under active examination, and considerable progress has already been made, in consultation with the States and the Ministries of the Government of India concerned.

### Need for Caution

200. While federal financial integration can, on the whole, be regarded as ultimately having satisfactory results from the purely financial point of view, there is obvious need to proceed with caution, especially in the first three or four years. From the point of view of the States themselves, it is difficult to make any reasonably precise estimates of the results of federal financial integration upon their revenues. Even so, those States which will directly profit from federal financial integration, *vis.*, PEPSU, Madhya Bharat and perhaps Rajasthan, need have no cause for anxiety, though in the case of the last two there will be the problem of replacing internal customs duties by sales tax. As regards those States which will incur a loss in consequence of federal financial integration *vis.*, Hyderabad, Mysore, Travancore-Cochin and Saurashtra, none except perhaps Travancore-Cochin, need have cause for concern in the first five years, since their losses will be fully re-imbursed to them by guaranteed subventions from the Centre already referred to in an earlier paragraph and since internal customs duties (in Hyderabad and Saurashtra) will be abolished only gradually. In the excepted case, the immediate abolition of internal customs duties, necessitated by the formation of the Union of Travancore and Cochin, will

involve a loss of the order of rupees ten millions; but it is expected that this will be largely offset by the sales tax recently introduced in Travancore, by increased food subsidies and Grow-More-Food grants and loans from the Centre, and by the special guarantee arrangement devised for this State for the first three years.

201. After the first five years, however, it will be necessary in the case of Mysore, Travancore-Cochin, and Saurashtra, to replace a diminishing Central guarantee by revenue from alternative sources. But there is no cause for undue anxiety on this account, especially as the matter will be the subject of careful review by the Finance Commission to be appointed under Article 280 of the New Constitution. In the meanwhile, however, the finances of these, and indeed of all, States will require careful nursing. In the words of the Committee—

“.....We find it necessary, however, to sound a note of warning. Representatives of the Governments of States who met us referred to plans prepared in their States for prohibition, abolition of Jagirs, etc., for implementation in the near future. We hold the view that the Governments concerned should proceed in these matters with caution. We are convinced that for a number of years their finances cannot bear the losses of revenue involved and, as has been pointed out by the Government of India to Provinces, the execution of such policies will defeat the efforts now being made to check inflation”.\*

### **Advantages of Integrated System of Federal Finance**

202. The difficulties of a transitional period are unavoidable and must be squarely faced. But they should not be allowed to obscure the far-reaching and fundamentally beneficial character of the transformation that is implicit in federal financial integration. Under the new Constitution, the Central Government will conform to the pattern of other Federations and will function with the same rights and obligations throughout the country. In this way it will gain in strength and its policies in effectiveness. “Only so can the Union of India make an effective contribution to the solution of the difficult economic problems that face India, meet the strains and stresses of the post-war world and maintain national unity. The States themselves will also derive substantial advantages among which the following may be mentioned:—Firstly, their people and Governments will take their place in the polity of India alongside of the people and Governments in the rest of India and share in its wider life

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\* Paragraph 35 of Part I of the Committee's Report.

with equal rights and obligations. Secondly, administrative standards and efficiency will increase by closer contacts with the administration of the Central Government and especially by the uniform accounting and audit system which will result from the supervision of the Auditor-General of India, recruitment to the higher services on an all-India basis, a unified judicial system and access to technical advice and assistance furnished by the Central Government. Thirdly, States will have their share of such federal revenues as may be made divisible from time to time and of the grants, loans and other forms of financial assistance given by the Centre, on the same basis as Provinces; an impetus will thus be given to development programmes in these areas”\*.

203. From the standpoint of the country as a whole the advantages which will be derived from an integrated system of federal finance cannot be over-emphasised. The economic and fiscal contradictions and dangers inherent in the present situation will disappear. “There will emerge uniformity of law, rates, interpretation and administration of all federal fiscal measures resulting in uniform policies, principles and practice in the levy, assessment, and collection of Central taxes and duties. And tax-evasion, always a serious evil, will be more effectively checked. The abolition of internal customs duties will result in freedom of trade within the country. A co-ordinated trade and tariff policy will have a uniform impact throughout the country. Ports and other important links in the country’s system of communications and transport will be free to serve their natural hinterlands. National and regional economic planning on all-India basis will become possible. In this, as in all other respects, the States will play their part, and they will become entitled to all the benefits which accrue from the execution of such plans as require the aid of Central resources and technical assistance.

“India will thus have an opportunity to emerge as a well-knit unit, fully integrated in all spheres, political, constitutional and economic. Its essential fundamental unity will be reinforced.”†

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\* Paragraph 15, page 10 of Part I of the Committee’s Report.

† Page 11—Part I of the Committee’s Report.

## PART X

### CENTRE'S RESPONSIBILITY DURING THE TRANSITIONAL PHASE

204. The formation of Unions has radically changed the old order in the integrated States. The new order will take some time to grow. The transitional period will be one of acute stress and difficulty. Apart from the fact that they are interested in the new States playing their legitimate role in building a new order in the country, the Government of India have a direct responsibility in respect of the ordered progress of these Unions in that it is mainly through the Government of India's mediation and effort that the new political set-up has been consummated. It is, therefore, essential that the Government of India should carefully watch and guide the progress of the Unions during their formative stage which will be beset with many dangers and pitfalls. A brief survey of the political and administrative background of the integrated States will be helpful in assessing the magnitude of the task confronting the Governments of these Unions.

#### Administrative and Political Background of Integrated States

205. In the administrative field the States presented a wide variety. In some of the smaller States there was little departmentalisation and great concentration of authority in a few hands. In others, even the separation of judiciary and executive powers had been achieved to some extent. In almost all the States, owing to the smallness of the size and the compact nature of territory, the existence of autocratic government had made for easy co-ordination, and quick solution of such problems as attracted the Ruler's attention and interest. In a normal Provincial set-up, the District is regarded as a convenient unit of administration and a focal point for co-ordination, but in a large number of States, an analogous District organisation did not exist or existed only in name and the position of the District officer as the person responsible for administrative co-ordination in his area was scarcely recognised. The new units of administration organised in the newly set up Unions have still to acquire the requisite cohesion, and the necessary local tradition is still to be built up.

206. In some of the larger States, the superstructure had been modernised to some extent and some of the senior officials could claim to possess in some measure the experience of the working of a Council and administering the various departments through a Secretariat. Even in these States, the Secretariat organisation was comparatively ill-developed and could hardly be compared with the machine that was available to popular Ministries when they assumed office in the Provinces. In most

of the States essentially the traditional form of rule, with its peculiarities had survived in a strong form to the day of integration. In several States, the land is still held over large tracts under the Jagirdari system, with its variants, and, until recently, a host of administrative functions were performed by the Jagirdars. There is a bewildering multiplicity of systems of land tenure and even now the modern system of revenue administration, which includes a proper settlement, record of rights and a trained revenue staff, does not extend to large areas of land which still remain under feudal conditions.

207. The administrative personnel inherited by the Unions is not equal, in the immediate future, to the responsibilities that the new set-up imposes on the public services. The predominance in the public services of a number of States of certain classes, particularly in the army and the police, still persists. The principle of selection through competitive examinations by a Public Service Commission had been recognised only in a limited way and in a limited number of States. The rules relating to recruitment, promotions, confidential reports and training, where they existed, left much to be desired. There are undoubtedly quite a good few officers with considerable ability, but traditions of common service are still to be developed.

208. One more important feature of the administration of States as inherited by the Unions was the wide variety of systems of financial control. The powers of the Auditor-General, where one existed, and the functions of the Accountant-General varied from area to area. In some States, a system of pre-audit obtained; in others spending departments were entrusted with huge departmental advances, which were not satisfactorily accounted for or audited. Finance departments, where they existed, were weak and lacked traditions of effective control over public expenditure. An integrated system of financial control coupled with efficient audit is one of the essential adjuncts of democratic government. It will take a little time to build this up.

209. If administratively the conditions in the integrated States were not such as to make the immediate introduction of a system of administration on the Provincial level a practical proposition, the position in the field of political institutions was no better. Very few States had proper Legislatures functioning in them; the Legislatures where they existed were on a restricted franchise and included a considerable number of nominated members. Even the number of local bodies such as panchayats, municipal committees and District Councils, was extremely limited. Political parties,

which are relatively of recent origin, do not possess well-knit organisations capable of enforcing discipline on their members or assuming unaided the heavy responsibilities of administration. Sectarian considerations continue to weigh heavily and local loyalties are a great stumbling block in the way of political and administrative unification.

210. While the administrative organisation in the States is not adequate to the task of running a modern and developing administration and the political institutions have yet to be properly habilitated in the soil, the Governments of the States face the huge problem of reconstructing the entire administrative structure. Measures for agrarian and other reforms have to be thoughtfully planned and carefully executed. Adequate security arrangements have to be made in respect of the areas situated on the Indian border lying in some of the Unions. A strong and competent administration alone will be able to tackle these difficult problems of administrative consolidation, democratisation and over-due reforms.

Speaking of this aspect of the problem of States' in his Convocation Address delivered at the University of Allahabad on November 27, 1948, the Hon'ble Sardar Vallabhbhai Patel observed as follows:—

“Let us turn to the States. I have been the recipient of many congratulations, addresses and tributes on the successful manner in which it has been possible to bring about the whole process of integration and democratisation of the States. But as I have pointed out in my speech at Nagpur, all these are, even if deserved, quite premature. The real task has just begun and that task is to make up for the loss of centuries, to consolidate the gains that we have secured, and to build in them an administrative system, at once strong and efficient. We have to weave new fabrics into old materials; we have to make sure that simultaneously the old and the new are integrated into a pleasing whole—a design which would fit well into the pattern of all India. You will appreciate the immensity and complexity of the task if you bear in mind that in many States even the rudiments of administrative machinery did not and do not exist; in a large number even local self-governing institutions were either conspicuous by their absence or still in a stage of infancy; popular organisations did not have such far-flung roots as in the rest of the country. Almost over-night we have introduced in these States the superstructure of a modern system of government. The inspiration and stimulus

has come from above rather than from below and unless the transplanted growth takes a healthy root in the soil, there would be a danger of collapse and chaos. I should like those over-enthusiasts who feel that the problem of the States has been solved or who are impatient of further advance calmly to reflect on this true picture that I have given here of the problem as it exists. It will be folly to ignore realities; facts take their revenge if they are not faced squarely and well."

211. The question of evolving suitable arrangements for the governance of the Unions which would ensure that new Unions make up quickly the leeway of ages and become within a short period full-fledged constituent units of the Indian Union has, therefore, been one to which the Government of India have given their most anxious consideration. Clearly, such administrative organisations and political institutions as are to be found in the Unions cannot be expected to shoulder these great responsibilities. The inspiration and urge for the expeditious completion of the processes of integration and democratisation come from the people of India as a whole, and the Central Government, as the instrument of the will of the people of India, cannot escape the obligation to ensure that these processes are completed with the utmost possible speed and efficiency. Indeed, the Central Government are responsible to the elected representatives of the people for the discharge of this vital obligation. The interests of the whole country are so intimately bound up with the consolidation of the territories integrated in the Unions that any other conception of responsibility may prove most prejudicial not only to the administrative integration of the Unions but also to the growth of healthy democratic institutions in them.

#### **Provision in Covenants Regarding General Control of the Government of India**

212. It was in this context that in the Covenant forming the present Rajasthan State, a new article (Article XIX) was added which provided that till the constitution framed by the Constituent Assembly of the Union came into operation, the Rajpramukh and the Council of Ministers would, in the exercise of the functions vesting in them under the provisions of the Covenant, be under the general control of, and comply with such instructions as may from time to time be given by, the Government of India. This provision was made with the concurrence of prominent popular leaders of Rajasthan. Similar provision was made in the Covenants forming Travancore-Cochin Union and by a Supplementary Covenant in the case of Madhya Bharat. It had been decided to amend the other



Covenants as well in the same manner. In view, however, of the provision in Article 371 of the Constitution to which reference is made in paragraph 241, it was not considered necessary to amend these Covenants. This provision will enable the Central Government to direct processes of integration and consolidation and to secure good government of the Unions during the interim period.

### **Procedure of exercising Supervisory Functions**

218. In order to enable the Central Government effectively to discharge the responsibility assumed by it in respect of the Unions, the Union Governments have, on the advice of the Government of India, appointed Advisers attached to important Departments. This procedure enables the Unions to utilise the administrative experience of the Advisers without impairing the democratic practice of making the Council of Ministers responsible for the entire administration.

*Typical set-up.*—The typical set-up under this arrangement is as follows, but the actual organisation in individual Unions varies with their circumstances. Senior officers of appropriate standing and administrative experience are appointed as Advisers to the Governments of the Unions. These Advisers are considered to be in the service of the Unions and are attached to the Departments of Law and Order, Integration, Revenue and Finance; they are also consulted in matters of all-India concern. All papers connected with these Departments pass through the Advisers so that the Governments of the Union may derive the full benefit of the institution. Furthermore the Advisers have the right to call for papers or information having a bearing on matters with which they are concerned. They also attend meetings of the Cabinet and express their views on questions raised in those meetings, but they exercise no right to vote. As regards any unresolved differences between the Ministers and Advisers it is expected that the Chief Minister would be able to resolve most of such difficulties. If this is not found possible the matter is referred to the Government of India.

*Regional Commissioners and their functions.*—Regional Commissioners have also been accredited by the Government of India to Unions of States and exercise the following functions:—

- (i) They act as agents of the Government of India in respect of such matters as food and civil supplies, extradition, issue of arms licences and passports, etc. The agency functions now being performed by the Regional Commissioners will gradually disappear as the administration of the Unions approximates to that of the Provinces.

- (ii) They are entitled to see any file or ask for any information, which, in their opinion, is necessary for the Government of India to discharge their responsibilities of supervision and control.
- (iii) They function as Advisers to the Rajpramukhs; in particular they are in charge of the matters over which exclusive authority vests in the Rajpramukhs.

*Scrutiny of legislative measures.*—The Union Governments refer to the Government of India for scrutiny all important legislative measures so that such enactments may not be repugnant to Central legislation and policy.

*Approval of budget estimates.*—In order that the financial and economic policy of the Governments of the Unions may not conflict with that of the Government of India, the budget estimates of the Unions are referred to the Government of India before they are presented to the Legislature or are finally adopted.

*Key Appointments in Unions.*—For the same reason it has been considered necessary to make special arrangements for appointments to certain key posts. The Chairman and Members of the Public Service Commission are, for example, selected in consultation with the Government of India. The rules defining the scope and functions of the Public Service Commission, the procedure for recruitment and regulation of the Services and the implementation of the guarantees given to the Services under the Covenants are also to be framed in consultation with the Government of India. The Government of India are also consulted and their approval obtained in regard to appointments of Chief and Finance Secretaries and Inspectors-General of Police.

214. To quote from a Memorandum issued on the subject by the Government of India, these arrangements—

“are essentially in the nature of a transitional expedient; they should be viewed as a co-operative enterprise in which the Ministries of the Unions, the officials of the Government of India and the Services of the Unions must work together in a joint effort to promote the well-being of the Unions and the wider interests of the country as a whole.”

## PART XI

### INDIAN STATES UNDER THE NEW CONSTITUTION

215. The new Constitution of India accords to the States their rightful place with the Provinces of India, as full-fledged constituent units of the Indian Union. With the inauguration of the Constitution of India the process of bringing the States to the Provincial level both in respect of their internal constitutional set-up and their relationship with the Centre, which started with the accession of the States on the three subjects of Defence, External Affairs and Communications, has run virtually the whole of its gamut. So rapid has been the process of fitting the States in the new mould that the framers of the new Constitution were constantly outpaced by the events in States and it became necessary to table, right at the very final phase of the Constitution-making, a whole set of amendments which radically altered the position of the States under the new Constitution.

216. When the States entered the Constituent Assembly of India it was envisaged that the Constitution of States would not form part of the Constitution of India. It was also clearly understood that unlike the Provinces the accession of the States to the Indian Union would not be automatic but would be by means of some process of ratification of the Constitution. In the context of these commitments and the conditions then obtaining the framers of the Draft Constitution made provisions which placed the States, in certain important respects, on a footing different from that of the Provinces.

217. As a result of the policy of integration and democratisation of States pursued by the Government of India since December 1947, the internal and external set-up of the States underwent a complete transformation. This greatly accelerated the process of what might be described as the 'unionisation' of States and in consequence it became possible to review the position of the States under the new Constitution and to remove from it all vestiges of anomalies and disparities which crept into the original draft as a legacy from the past.

218. When the Covenants establishing the various Unions of States were entered into it was contemplated that the Constitutions of the various Unions would be framed by their respective Constituent Assemblies within the framework of the Covenants and the Constitution of India. These provisions were made in the Covenants at a time when

the theory that any attempt on the part of the Constituent Assembly of India to draft a Constitution for the States would constitute an encroachment on their internal sovereignty still held the field. However, it was soon realised that lack of uniformity in the Constitutions of the various Unions of States would lead to unnecessary complications and in order, therefore, to ensure that the Constitutions of these Unions were drawn up on a uniform basis and that they generally followed the Provincial Constitution, a Committee, with Shri B. N. Rau as Chairman, was appointed to draft a model Constitution for the States to serve as a guide to their Constitution-making bodies in framing the Constitution for their respective States. This was only a half-measure; as the States came closer to the Centre it became clear that the idea of separate Constitutions being framed for different constituent units of the Indian Union was a legacy from the Rulers' polity which could have no place in a democratic set-up. The matter was, therefore, further discussed by the Ministry of States with the Premiers of Unions and States on May 19, 1949 and it was decided, with their concurrence, that the Constitution of the States should also be framed by the Constituent Assembly of India and should form part of the Constitution of India. Accordingly, a committee was appointed, with Shri M. K. Vellodi as Chairman, to examine the Draft Constitution of India and to suggest amendments to be incorporated in the new Constitution with a view to approximating the position of the States to that of the Provinces. The amendments, as they emerged as a result of the discussions with the Drafting Committee, were examined by the Constitution-making bodies of the States where such bodies were in existence, namely, Saurashtra, Travancore-Cochin and Mysore. The Saurashtra Constituent Assembly adopted the draft Constitution in its entirety. The other two Constitution-making bodies proposed a few amendments. Some of these were incorporated in the amendments finally accepted by the Constituent Assembly of India; others were dropped as a result of discussions with the delegations of these Assemblies. The readiness with which these representative bodies accepted this procedure and their helpful approach to the provisions of the Draft Constitution concerning the States, were an indication of the desire of the States people to eschew the separatist trends of the past.

#### **Procedure for the ratification of the Constitution by the States.**

219. The Constitution of India contains no specific provision regarding the procedure for the ratification of the Constitution by the States although Article 225 of the original draft, which has been deleted, presupposed some kind of Agreements or instruments in respect of the accession

of the States. After detailed examination of the various aspects of the matter it was decided that the acceptance of the Constitution, which now defines the internal constitution of the States included in Part B of the First Schedule, should be by the Rajpramukh or the Ruler, as the case may be, on the basis of a resolution to be adopted by the Constituent Assembly of the State concerned where such a body existed. Accordingly the Constituent Assemblies of the three States, which had such bodies functioning at the time, were given an opportunity to examine the provisions of the Constitution concerning the States. As regards the procedure for the acceptance of the Constitution on behalf of the States, in which no Constitution-making bodies were in existence, the Hon'ble Minister for States explained the position as follows:—

“It is a matter of deep regret for me that it has not been possible for us to adopt a similar procedure for ascertaining the wishes of the people of the other States and Unions of States through their elected representatives. Unfortunately we have no properly constituted Legislatures in the rest of the States; nor will it be possible to have Legislatures constituted in them before the Constitution of India emerges in its final form. We have, therefore, no option but to make the Constitution operative in these States on the basis of its acceptance by the Ruler or the Rajpramukh, as the case may be, who will no doubt consult his Council of Ministers. I am sure neither the Hon'ble Members representing those States in this House, nor the people of the States generally, would wish that the enforcement of the Constitution in these States should be held over until Legislatures or Constitution-making bodies are constituted in them. The Legislatures of these States, when constituted under the new Constitution, may propose amendments to the Constitution. I wish to assure the people of these States that any recommendations made by their first Legislatures would receive our earnest consideration. In the meantime I have no doubt that the Constitution framed by this House, where all the States except one are duly represented, will be acceptable to them”.

The Proclamations (Appendix LIV) issued by the Rajpramukhs in this behalf accept the Constitution framed by the Constituent Assembly of India as the Constitution for the States and enjoin its enforcement in the

State concerned according to the tenor of its provisions. Since this arrangement involved a departure from the provisions of the Covenants establishing the Unions other than Travancore-Cochin, Supplementary Covenants (Appendix LV) were executed by the Rulers concerned to amend the original Covenants.

### **Part VII of the New Constitution**

220. The most important feature of the new Constitution is that the Constitution of the States specified in Part B of the First Schedule, *i.e.*, the States continuing as separate units and the Unions of States, forms part of the Constitution of India. Subject to certain essential adjustments, the Constitution of these States follows the Constitution of Part A States, *i.e.*, States corresponding to former Governors' Provinces. The device which has been adopted is that a separate part, *viz.*, Part VII, has been added, which contains special provisions governing the Constitution of Part B States as also the modifications subject to which the provisions governing the constitution of Part A States are applicable to Part B States.

#### **Special provisions regarding the State of Jammu and Kashmir.**

221. The State of Jammu and Kashmir acceded to India on October 26, 1947. The form of the Instrument of Accession executed by the Ruler of the State is the same as that of the Instruments executed by the Rulers of other acceding States. Legally and constitutionally therefore the position of this State is the same as that of the other acceding States. The Government of India, no doubt, stand committed to the position that the accession of this State is subject to confirmation by the people of the State. This, however, does not detract from the legal fact of accession. The State has therefore been included in Part B States. In view of the special problems arising in respect of this State and the fact that the Government of India have assured its people that they would themselves finally determine their political future, the following special provision has been made in the Constitution:

“370. (1) Notwithstanding anything in this Constitution.

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in

the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

- (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

*Explanation.*—For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

- (c) the provisions of article 1 and of this article shall apply in relation to that State;

- (d) such of the other provisions of this Constitution shall apply in **relation to that State** subject to such exceptions and modifications as the President may by order specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in **paragraph (i) of sub-clause (b)** shall be issued except in consultation with the Government of the State;

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) or in the second proviso to sub-clause (d) of clause (1) be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify.

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification."

The effect of this provision is that the State of Jammu and Kashmir, continues to be a part of India. It is a unit of the Indian Union and the Union Parliament will have jurisdiction to make laws for this State on matters specified either in the Instrument of Accession or by later additions with the concurrence of the Government of the State. An order has been issued under Article 370 specifying (1) the matters in respect of which the Parliament may make laws for the Jammu and Kashmir State and (2) the provisions, other than Article 1 and Article 370, which shall apply to that State (Appendix LVI). Steps will be taken for the purpose of convening a Constituent Assembly which will go into these matters in detail and when it comes to a decision on them, it will make a recommendation to the President who will either abrogate Article 370 or direct that it shall apply with such modifications and exceptions as he may specify.

#### **Establishment of constitutional relationship with Hyderabad State.**

222. The State of Hyderabad did not accede to the Dominion of India, although the Standstill Agreement entered into by the Nizam with the Dominion in November 1947, ensuring virtual accession of the State in respect of Defence, External Affairs and Communications continued till the enforcement of the new Constitution, by virtue of the Nizam's letter dated the 18th November 1948. The Government of India have respectfully declared that the political future of the State and its relationship with India are matters to be decided by the people of the State. Arrangements are being made for constituting in the State a Legislature elected on the basis of adult franchise, to enable the people of the State to decide its political future. In the meantime the Nizam has issued a Proclamation (Appendix LIV) recognising the necessity of entering into a constitutional relationship with the Union of India, and accepting the Constitution framed by the Constituent Assembly of India as the Constitution for the State of Hyderabad. The Proclamation makes it clear that the decision taken by the Nizam is subject to the confirmation of the people, whose will, as expressed through the Constituent Assembly of the State, must finally determine the nature of the State's relationship with the Centre as also the Constitution of the State itself.

#### **The Position of Junagadh State**

223. The position of Junagadh and certain other adjoining States in Kathiawar may also be briefly stated here. After the Nawab of Junagadh had left the State for Pakistan, the administration of this State was taken



over by the Government of India on November 9, 1947, at the request of the Nawab's Council. Obviously, the action taken by the Government of India had the fullest approval of the people of Junagadh in that the results of the referendum held in Junagadh and the adjoining smaller States in February 1948, showed that voting in favour of accession to India was virtually unanimous. During the period the Government of India held charge of the State, an Administrator appointed by the Government of India assisted by three popular representatives conducted the administration of the State. In December 1948, the elected representatives of the people of Junagadh resolved that the administration of the State be made over to the Government of Saurashtra and that the representatives of Junagadh be enabled to participate in the Constituent Assembly of Saurashtra State with a view to framing a common Constitution for Saurashtra and the Junagadh State. Similar resolutions were adopted by the representatives of Manavadar, Mangrol, Bantwa, Babariawad and Sardargarh. Accordingly, a Supplementary Covenant (Appendix XXXVI) was executed by the Rulers of Kathiawar States with a view to giving effect to the aforementioned resolutions. The administration of Junagadh was taken over by the Saurashtra Government on January 20, 1949, and of the other States sometime calling. Accordingly the Constitution treats Junagadh and these States as part of Saurashtra.

### **Territorial Integration**

224. One of the important consequences of the adoption of the new Constitution is the completion of the process of the territorial integration of States. The States geographically contiguous to the Dominion of India, as they existed before the Constitution of India became operative, could be divided into two main categories:

- (i) the acceding States, and
- (ii) the non-acceding States.

There were only two non-acceding States, namely, Hyderabad and Junagadh. The acceding States could be sub-divided into the following groups:—

- (a) States which were not affected by the process of integration and continued as separate units, *i.e.* Mysore and Jammu and Kashmir;
- (b) Unions of States;
- (c) Centrally-merged States;
- (d) Provincially-merged States; and

## (e) Khasi Hill States Federation.

Under the new Constitution, all the constituent units, both Provinces and States—the latter term includes non-acceding States—have been classified into three classes, *viz*:

- (1) Part A States which correspond to the former Governors' Provinces,
- (2) Part B States which comprise the Unions of States and the States of Hyderabad, Mysore and Jammu and Kashmir, and
- (3) Part C States which correspond to the former Chief Commissioners' Provinces.

The new Constitution effects the territorial integration of States by means of a two-fold process. Firstly, Article 1 of the Constitution defines the territories of India to include the territories of all the States specified in the First Schedule, including Part B States. This is an important departure from the scheme embodied in the Act of 1935 in that, while section 311(1) of that Act defined India to include British India together with all territories of Indian Rulers, the Act did not define the territories of the Indian Federation. Secondly, with the inauguration of the new Constitution, the merged States have lost all vestiges of existence as separate entities. This will be clear from the position set out in the paragraphs which follow.

225. *Provincially merged States.*—As has been stated before, by virtue of an Order under Section 290A of the Government of India Act, 1935, these States were being administered as if they formed part of the Province concerned. Even after the application of the statutory Order under Section 290A to these States, they did not form part of the Provinces but retained their separate entity, however, *otiose* it might have been. The First Schedule to the new Constitution provides that the territory of each of the States specified in Part A, shall include the territories which by virtue of an Order under section 290A of the Government of India Act, 1935, were, immediately before the commencement of the Constitution, being administered as if they formed part of the Province. The effect of this provision is that with the enforcement of the new Constitution, the process of merger of States, which was carried a step forward by the statutory Order under section 290A, has been completed; the provincially merged States will not now merely be administered as if

they formed part of the Provinces but actually form part of the Provinces. The Constitution also provides for the administration of the Khasi Hill States, to which reference has been made earlier, as part of Assam in accordance with the special provisions relating to tribal areas.

226. *Centrally-administered States*.—Proceeding on the lines of the Provincially-merged States, the new Constitution provides that the Centrally administered areas, which were governed by virtue of an order under Section 280A as if they were a Chief Commissioner's Province, will acquire the full status of Part C States (Chief Commissioners' States). Here again the territorial merger of the Centrally merged States has been completed with the enforcement of the new Constitution

### Judicial Integration

227. "In determining a nation's rank in political civilisation", Henry Sidgwick has written, "no test is more decisive than the degree in which justice, as defined by the law, is actually realised in its judicial administration, both as between one citizen and another and as between a private citizen and a member of the Government". Indeed, the manner in which a State dispenses justice is the measure of its moral character and of its ability to ensure the sanctity of fundamental human rights. The mechanism of justice in a modern State involves an elaborate process; in this process details such as the qualifications of the men who are to administer justice in Courts, the way in which they are to perform their functions, the method by which they are to be selected, the terms on which they shall hold office, are as vitally important as the jurisdiction or the authority of the Courts and the machinery for the enforcement of their judgments and orders. On the nature of the mechanism of justice depends the application of the principle summed up in the expression "the Rule of Law" which constitutes one of the fundamental legal safeguards enjoyed by citizens of progressive States.

### Judiciary in States in varying phases of development

228. The judicial systems of States, as they existed under British paramountcy, reflected the varying phases of their moral and material conditions and were very far from the standards of the institutions which guarantee the supremacy of the "Rule of Law".

In a large number of States, laws were not to be found recorded in any Code accessible to the people. Only in a limited number of States did there exist a recognised body of laws; the code of laws in such cases consisted generally of the British Indian laws adopted *mutatis mutandis*.

229. If in the generality of cases, the decree of the Ruler was law, in a number of cases the Ruler not only constituted the source of justice but also personally administered it in actual practice. For a large number of States, owing to their slender resources, an organised judiciary was a luxury which they could not afford. Thus for instance, if the Ruler of a State with a population of little more than 600 individuals and an annual income of less than Rs. 2,000 enjoyed full judicial powers, subject only to confirmation of capital sentences by the Resident and, in consequence, concentrated in himself all original, appellate and revisional jurisdiction over his subjects, the system which sustained such an untenable set-up, rather than the Ruler concerned, was at fault.

230. The Crown itself developed several forms of jurisdiction in States resting on various foundations. Apart from claiming exclusive jurisdiction over certain classes such as European British subjects, and certain territories such as cantonments, residencies, railway lands, etc., the Crown shared the jurisdiction in certain States. A notable instance of such arrangements was the judicial organisation in the Kathiawar peninsula where political officers exercised a wide civil and criminal residuary jurisdiction. In other States such as the Central India and Simla Hill States, jurisdiction could be exercised by the Rulers but a sentence of death or imprisonment for life could be executed only after the sentence had been confirmed by the local political officer. The jurisdiction of the Crown over States was recognised and its exercise in some measure regulated by the Foreign Jurisdiction Acts of 1879 and 1890.

231. Only the more important and progressive States had judicial organisations approximating to the judiciary in the Provinces. Even in these States, there was considerable scope for improvement in the direction both of the conditions of service of the judges and of the independence of judiciary from the control of the executive.. The judges were appointed by the Ruler and were removable at his pleasure. His executive officers were not amenable to the Courts for their public acts. In some States, the Minister holding the portfolio of Law also acted as Chief Justice; in other States he constituted the highest appellate authority. A number of States had some kind of judicial Committees to advise the Rulers in the exercise of their prerogative.

#### **Position under the Act of 1935**

232. The scheme embodied in the Act of 1935 made little advance in the direction of the unification of the judicial systems of States. The jurisdiction which the Act conferred on the Federal Court in respect of

States was extremely limited.. The original jurisdiction of this Court extended only to disputes between any two or more of the following parties; that is to say, the Federation, any of the Provinces or any of the Acceding States, if the dispute involved any question on which "the existence or extent of a legal right" depended. In respect of a dispute to which a State was a party the jurisdiction of the Court could be invoked only if the dispute concerned the interpretation of the Act, the Instrument of Accession and like matters arising out of the constitutional relationship between the Federation and the State. Judgments in such cases were to be merely declaratory; "in other words they need not involve any consequential relief". The appellate jurisdiction of the Federal Court was likewise limited to questions of law concerning the interpretation of the Act and the Instruments or Agreements governing the constitutional relationship between the States and the Federation.

233 Even in this limited field, an appeal to the Federal Court was to be by way of a special case to be stated for the opinion of the Federal Court by the High Court of the State. If the Federal Court wanted to move the judicial machinery of the State, the Court was required to send letters of request to the Ruler of the State and the Ruler was to cause such communication to be made to the High Court or to any other judicial or civil authority as the circumstances required. Thus, even in the limited field of the jurisdiction of the Federal Court in and over the States the writ of the Court could not run in the States in the normal way.

234. Nor did the Constitution define, or empower the federal authority to do so, the constitution of the High Courts of the States. Section 215 of the Government of India Act, 1935, which enabled the Federal Legislature to confer "ancillary powers" upon the Federal Court did not enable the legislature to enlarge the powers of the Federal Court in respect of the States as they were not required to accept the corresponding entry in the Federal Legislative List, *i.e.* entry 53. Even if they accepted it, the powers conferred were to be only supplemental and not inconsistent with the provisions of the Act. The only authority which the Act gave to the federal authority in respect of the Courts in the Acceding States was that contained in Section 217 which empowered the Governor General to declare, in consultation with the Ruler concerned, the High Court of an Acceding State to be a High Court for the purposes of any provisions of the Act. It was inconceivable that this provision could be invoked in the case of the High Courts of all the Acceding States. The Act was silent as to what would happen to the rest.

### **Reorganisation of Judiciary following Integration**

235. The integration of States rendered it possible to reorganise judiciary in the States and to make available to the people, law courts organised on the lines of the judiciary in the Provinces. In the changed set-up the provincially-merged States have become subject to the jurisdiction of the Provincial High Courts and considerable progress has been made in the direction of the reorganisation of the lower courts. In the case of States constituted into Centrally administered areas, Courts of Judicial Commissioners have been constituted. So far as the Unions of States are concerned, Union High Courts have been constituted on the lines of the corresponding Courts in the Provinces.

### **Judiciary of States under the new Constitution**

236. The original draft of the Constitution differentiated between the States and the Provinces as regards the jurisdiction of the Supreme Court and did not define the Constitution of the High Courts of the States. The Constitution as finally adopted removes this disparity and integrates the judicial systems of the Provinces and States into one co-ordinated system.

The framers of the new Constitution have taken particular care to ensure the independence of the judiciary. Appointment of judges of the Supreme Court as also of the High Courts of States, are to be made by the President in consultation with the Chief Justice of India. The High Courts of States in Part B are to be governed by the same provisions as apply to the High Courts of the States in Part A in the matter of their constitution, jurisdiction, etc. The only distinction which the Constitution recognises in this field is that unlike the salaries of the judges of the High Courts in States specified in Part A, the salaries of judges in Part B States will be such as the President may, in consultation with the Rajpramukh, prescribe. This is a provision of a transitory nature and has been made to meet the immediate needs of the High Courts of States.

237. The Constitution vests in the Supreme Court wide jurisdiction in respect of matters constitutional, civil and criminal. Parliament will have power to enlarge the jurisdiction of the Supreme Court in respect of matters in the Union List as also to confer "ancillary powers" on it. The law declared by the Supreme Court will be binding on all Courts within the territory of India. All decrees and orders of the Supreme Court will be enforceable throughout the territory of India in such manner as may be prescribed by Parliament by law. All authorities, civil and judicial, in the territory of India are under a statutory obligation to act in aid of the

Supreme Court. The Supreme Court will be the final tribunal for the States in Part B, not as a matter of courtesy as it were, as was the case under the Act of 1935; its authority and jurisdiction will directly extend to States as well as Provinces. It will truly be the guardian of the Constitution and the coping-stone of the entire judicial structure of India covering the Provinces and the States alike.

### Privy Purse of Rulers

238. The Covenants for the establishments of Unions of States and Agreements of Merger contain provisions guaranteeing to the Rulers of merged and integrated States payment of privy purse as fixed under the terms of these Instruments. These provisions have been guaranteed by the Government of India. In January 1950, the Government of India entered into Agreements with the Rulers of Hyderabad and Mysore under which the Rulers of these States also have been guaranteed payment of privy purse as determined under these Agreements (Appendices LVII & LVIII). Article 291 of the Constitution gives constitutional guarantee to these commitments. The Article contains a mandatory provision that the guaranteed sums\* shall be charged on, and paid out of, the Consolidated Fund of India subject to such recoveries as may be made from time to time from the Provinces and States in respect of these payments. Explaining the background of this provision to the Constituent Assembly, the Hon'ble Minister for States stated as follows:--

"I shall first deal with the financial aspect of these arrangements..

In the past, in most of the States there was no distinction between the expenditure on the administration and the Ruler's privy purse. Even where the Ruler's privy purse had been fixed no effective steps were taken to ensure that the expenditure expected to be covered by the privy purse was not directly or indirectly charged on the revenues of the State. Large amounts, therefore, were spent on the Rulers and on the members of the ruling families. This expenditure has been estimated to exceed twenty crores of rupees per year.

All the Agreements of Merger and Covenants now provide for the fixation of the Ruler's privy purse which is intended to cover all the expenses of the Ruler and their families including the expenses of their residences, marriages and other ceremonies, etc. The privy purse guaranteed under these Agreements is

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\*A statement showing the amounts of privy purse guaranteed to the Rulers is appended (Appendix LIX).

less than the percentage for the Deccan States under the award given by Dr. Rajendra Prasad, Shri Shankarrao Deo and Dr. Pattabhi Sitaramayya. It is calculated on the basis of 15 per cent. on the first lakh of average annual revenue of the State concerned, ten per cent. on the next four lakhs, and seven and a half per cent. above five lakhs subject to a maximum of ten lakhs. The maximum figure of ten lakhs has been exceeded only in the case of some of the major States, which had been recognised as viable, and the amounts fixed in such cases are payable only during the life time of the present Rulers. The total annual privy purse commitments so far made amount to about Rs. four and a half crores.\* When the amounts guaranteed to certain Rulers during their life time are subsequently refixed the total annual expenditure in respect of privy purses will amount to less than Rs. four crores.

Under the terms of the Covenants and the Agreements entered into by the Rulers, privy purses are payable to the Rulers, out of the revenues of the States concerned and payments have so far been made accordingly. During the course of the discussions with the Indian States Finances Enquiry Committee, it was urged by most of the States that the liability for paying privy purses of Rulers should be taken over by the Centre on the ground that:—

- (a) privy purses have been fixed by the Centre;
- (b) privy purses are political in nature; and
- (c) similar payments are not made by the Provinces.

Apart from these considerations, the position has definitely changed since the execution of the Covenants. In the first place, so far as the merged States are concerned, with their total extinction under the new Constitution of India, as separate entities the basis of liability for privy purse payments guaranteed to the Rulers of the States will undergo a change, in that the States, from the revenues of which privy purses are payable, would cease to exist. Secondly, the term "revenues of the States", has now to be viewed in the context of the federal financial integration of States. This integration involves a two-fold process; one, of 'functional' partition of the present composite State Governments and the other of

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\* As a result of subsequent agreements including those with the Rulers of Hyderabad and Mysore, the figure has been increased to about Rs. 58 millions



'merger' of the partitioned 'federal' portions of the State Governments with the present Central Government. It follows, therefore, that when the federal financial integration becomes effective, the liability in respect of privy purse payments should strictly speaking be shared on an equitable basis by the functional successors to the Governments of merged and integrated States, that is, the Central Government, on the one hand, and the Governments of Provinces and States on the other. Having regard to all these factors, we have decided that the best course would be that these payments should constitute a charge on the Central revenues, but that, at the same time, provision should be made for the recovery of such contributions from the Governments of the States, during such transitional period and in such amounts as may be considered appropriate. These recoveries are to be made in accordance with the scheme for financial integration of the States.

I have already stated that the privy purse settlements made by us will reduce the burden of the expenditure on the Rulers to at least one-fourth of the previous figure. Besides, the States have benefitted very considerably from the process of integration in the form of cash balances inherited by them from the Rulers. Thus, for instance, the Rajpramukh of Madhya Bharat alone has made over to the Union large sums of money yielding interest sufficient to cover a major portion of the total privy purses of the Rulers who have joined this Union. So far as the assumption of part of the burden by the Centre is concerned, we must remember that this arrangement flows as a consequence of the financial integration of the States, which will have an effect of a lasting character on the economy of this country. The fiscal unification of India will patch up the disruptive rents in the economy of India which rendered effective implementation of economic policies in the Provinces impossible. Thus, for instance, in the matter of income-tax evasion alone, which has been a serious matter in recent years, the gains from federal financial integration will prove very substantial. From the financial point of view, therefore, the arrangements we have made are going to benefit very materially the economy of this country.

I shall now come to the political and moral aspect of these settlements. In order to view the payments guaranteed by us in

their correct perspective, we have to remember that they are linked with the momentous developments affecting the most vital interests of this country. These guarantees form part of the historic settlements which enshrine in them the consummation of the great ideal of geographical, political and economic unification of India, an ideal which for centuries remained a distant dream and which appeared as remote and as difficult of attainment as ever even after the advent of Indian independence.

Human memory is proverbially short. Meeting in October, 1949, we are apt to forget the magnitude of the problem which confronted us in August 1947. As the Honourable Members are aware, the so-called lapse of paramountcy was a part of the plan announced on June 3rd 1947, which was accepted by the Congress. We agreed to this arrangement in the same manner as we agreed to the partition of India. We accepted it because we had no option to act otherwise. While there was recognition in the various announcements of the British Government of the fundamental fact that each State should link up its future with that Dominion with which it was geographically contiguous, the Indian Independence Act released the States from all their obligations to the British Crown. In their various authoritative pronouncements, the British spokesmen recognised that with the lapse of paramountcy, technically and legally the States would become independent. They even conceded that theoretically the States were free to link their future with whichever Dominion they liked although, in saying so, they referred to certain geographical compulsions, which could not be evaded. The situation was indeed fraught with immeasurable potentialities of disruption, for some of the Rulers did wish to exercise their technical right to declare independence and others to join the neighbouring Dominion. If the Rulers had exercised their right in such an unpatriotic manner they would have found considerable support from influential elements hostile to the interests of this country.

It was against this unpropitious background that the Government of India invited the Rulers of the States to accede on three

subjects of Defence, External Affairs and Communications. At the time the proposal was put forward to the Rulers, an assurance was given to them that they would retain the *status quo* except for accession on these subjects. It had been made clear to them, that this accession did not imply any financial liability on the part of the States and that there was no intention either to encroach on the internal autonomy or the sovereignty of the States or to fetter their discretion in respect of their acceptance of the new Constitution of India. These commitments had to be borne in mind when the States Ministry approached the Rulers for the integration of their States. There was nothing to compel or induce the Rulers to merge the identity of their States. Any use of force would have not only been against our professed principles but would have also caused serious repercussions. If the Rulers had elected to stay out, they would have continued to draw the heavy Civil Lists which they were drawing before and in a large number of cases they could have continued to enjoy unrestricted use of the States revenues. The minimum which we could offer to them as *quid pro quo* for parting with their ruling powers was to guarantee to them privy purses and certain privileges on a reasonable and defined basis. The privy purse settlements are therefore in the nature of consideration for the surrender by the Rulers of all their ruling powers and also for the dissolution of the States as separate units. We would do well to remember that the British Government spent enormous amounts in respect of the Mahratta settlements alone. We are ourselves honouring the commitments of the British Government in respect of the pensions of those Rulers who helped them to consolidate their Empire. Need we cavil then at the small—I purposely use the word small—price we have paid for the bloodless revolution which has affected the destinies of millions of our people.

The capacity for mischief and trouble on the part of the Rulers if the settlement with them would not have been reached on a negotiated basis was far greater than could be imagined at this stage. Let us do justice to them; let us place ourselves in their position and then assess the value of their sacrifice. The Rulers have now discharged their part of the obligations by

transferring all ruling powers and by agreeing to the integration of their States. The main part of our obligation under these Agreements, is to ensure that the guarantees given by us in respect of privy purse are fully implemented. Our failure to do so would be a breach of faith and seriously prejudice the stabilisation of the new order."

Article 291, thus, embodies constitutional sanction for the due fulfilment of the Government of India's guarantees and assurances in respect of privy purses and provides for the necessary adjustments in respect of privy purse payments necessitated by changed conditions

239. Under the terms of the Covenants and Agreements of Merger the privy purses of the Rulers are to be free from all taxation. The exemption in respect of taxation applies only to the amounts of privy purses and does not extend to any other income of the Rulers or the income of the members of their families. The right of the Rulers to this exemption has been accepted because in their own territories the Rulers were recognised as Sovereigns and were free from all kinds of taxation. This arrangement is also covered by Article 291 which provides that any sum paid to a Ruler as privy purse, which is charged on the Consolidated Fund of India, shall be exempt from all taxes on income.

**240. Guarantees regarding rights and privileges.**—Guarantees have been given to the Rulers under the various Agreements and Covenants for the continuance of their rights, dignities and privileges. The rights enjoyed by the Rulers vary from State to State and are exercisable both within and without the States. They cover a variety of matters ranging from the use of red plates on cars to immunity from Civil and Criminal jurisdiction and exemption from customs duties etc. Even in the past it was neither considered desirable nor practicable to draw up an exhaustive list of all these rights. During the negotiations following the introduction of the scheme embodied in the Government of India Act, 1935, the Crown Department had taken the position that no more could be done in respect of the rights and privileges enjoyed by the Rulers than a general assurance of the intention of the Government of India to continue them. Obviously, it would have been a source of perpetual regret if all these matters had been treated as justiciable. Article 363 has, therefore been embodied in the Constitution which excludes specifically the Agreements of Merger and the Covenants from the jurisdiction of Courts except in cases which may be referred to the Supreme Court by the President. At the same time, the Government of India considered it necessary that constitutional recognition

should be given to the guarantees and assurances which the Government of India have given in respect of the rights and privileges of Rulers. This is contained in Article 362, which provides that in the exercise of their legislative and executive authority, the legislative and executive organs of the Union and States will have due regard to the guarantees given to the Rulers with respect to their personal rights, privileges and dignities.

**241. Other Matters.**—Amongst other important features of the new Constitution, in so far as they concern the States, reference may be made to the following:—

**(1) Control of the Government of India over the States during the transitional period.**

In Part X of this Paper, the reasons which rendered it necessary for the Government of India to assume general control over the Unions of States have been set out in detail. As the stress of the transitional phase is likely to continue for some time, it has been considered necessary that the Government of India should exercise supervisory authority over the Governments of States specified in Part B till such time as may be necessary. This is provided in Article 371, which reads as follows:

“Notwithstanding anything in this Constitution, during a period of ten years from the commencement thereof, or during such longer or shorter period as Parliament may by law provide in respect of any State, the Government of every State specified in Part B of the First Schedule shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President:

Provided that the President may by order direct that the provisions of this Article shall not apply to any State specified in the order”.

The following extract from the Statement made by the Hon'ble Minister for States before the Constituent Assembly on October 12, 1949, explains the policy of the Government of India in respect of the application of this Article:

“As the House is aware, the States, as we inherited them, were in varying stages of development. In most cases the advance had to be made from the starting point of pure autocracy. Having regard to the magnitude of the task, which confronted the Governments of the Unions in the transitional period, and to the fact that neither the Services inherited

by them nor the political organisations, as they existed there, were in a position to assume, unaided, full responsibilities of the administration, we made a provision in some of the Covenants that till the new Constitution came into operation in these Unions, the Rajpramukh and the Council of Ministers shall, in the exercise of their functions, be under the general control of the Government of India and comply with the instructions issued by that Government from time to time. The stress of the transitional phase is likely to continue for some years. We are ourselves most anxious that the people of these States should shoulder their full responsibilities; however, we cannot ignore the fact that while the administrative organisation and political institutions are to be found in most of the States in a relatively less developed state, the problems relating to the integration of the States and the change-over from an autocratic to a democratic order are such as to test the mettle of long established administrations and experienced leaders of people. We have therefore found it necessary that in the interest of the growth of democratic institutions in these States, no less than the requirements of administrative efficiency, the Government of India should exercise general supervision over the Governments of the States till such time as it may be necessary.

It is natural that a provision of this nature which treats States in Part B differently from Part A States should cause some misgivings. I wish to assure the Hon'ble Members representing these States, and through them the people of these States, that the provision involves no censure of any Government. It merely provides for contingencies which, in view of the present conditions, are more likely to arise in Part B States than in the States of other categories. We do not wish to interfere with the day-to-day administration of any of the States. We are ourselves most anxious that the people of the States should learn by experience. This Article is essentially in the nature of a safety valve to obviate recourse to drastic remedies such as the provisions for the breakdown of the constitutional machinery. It is quite obvious that in this matter the States, *e.g.* Mysore and Travancore-Cochin, where democratic institutions have been functioning for a long time and where Government responsible to Legislation

are in office, have to be treated differently from the States not conforming to these standards. In all these cases our control will be exercised in varying degrees according to the requirements of each case. The proviso to the Article gives us the necessary discretion to deal with each case on its merits.

I hope this statement which embodies our considered policy will allay any apprehension which the Governments of any of these States may have concerning this Article."

**(2) The position of the Rajpramukh.**

Articles 155, 156 and 157 which govern the appointment of the Provincial Governors, terms of their office and their qualifications, do not apply to the Rajpramukhs. However, the term "Rajpramukh" which is to be substituted for the term "Governor" in so far as the provisions of Part VI are to be applied to States specified in Part B, has been defined as follows:—

" 'Rajpramukh' means:

- (a) in relation to the State of Hyderabad, the person who for the time being is recognised by the President as the Nizam of Hyderabad;
- (b) in relation to the State of Jammu and Kashmir or the State of Mysore, the person who for the time being is recognised by the President as the Maharaja of that State; and
- (c) in relation to any other State specified in Part B of the First Schedule, the person who for the time being is recognised by the President as the Rajpramukh of that State,

and includes in relation to any of the said States any person for the time being recognised by the President as competent to exercise the powers of the Rajpramukh in relation to that State".

The position therefore is that, while the Governor of a Province is to be appointed by the President, so too the Rajpramukh has been defined to be the person for the time being recognised by the President as such. It follows that, while a Governor could be removed for violating the Constitution or for misconduct in the event of the Rajpramukh acting in such irresponsible manner, the President may be trusted to withdraw his original recognition and to recognise a suitable successor.

In Part A States the salary and allowances of the Governor are charged on the revenues and do not require to be voted each year. Similarly, it has

been provided that the allowances of the Rajpramukh of a Part B State shall be charged on the State revenues. There is, however, a difference as to the authority for determining the amount to be charged in the two cases. In the case of Governors, the amount is to be determined by the Parliament by law and until provision is made in that behalf it is to be the figure prescribed in the Second Schedule to the Constitution. It has not been considered necessary to make a similar provision in the case of Rajpramukhs. The allowances of some of the Rajpramukhs of Unions of States are prescribed in the Covenants and the Government of India have guaranteed the provisions of these Covenants. The power to fix the salary and allowances of the Rajpramukh now vests in the President. In fixing the amount to be charged the President will no doubt consider the terms of the Covenant in the case of Unions of States and in the case of single States, where there is no Covenant, he will doubtless take into consideration the views of the Government and the Legislature of the State.

### (3) Recognition of Rulers.

The Rulers of the merged and integrated States have been guaranteed succession according to law and custom. In the Covenants and some of the Agreements of Merger, provision has been made for the procedure to be observed for the settlement of the cases of disputed succession. In the case of the Rulers of States forming Unions, every question of disputed succession is to be decided by the Council of Rulers after referring to the High Court of the Union and in accordance with the opinion of that Court. Article 366 (22) of the Constitution defines the term 'Ruler' as follows:—

“Ruler in relation to an Indian State means the Prince, Chief or other person by whom any such covenant or agreement as is referred to in Clause (1) of Article 291 was entered into and who for the time being is recognised by the President as the Ruler of the State, and includes any person who for the time being is recognised by the President as the successor of such Ruler”

It is expected that in according recognition to Rulers, the President will show due regard to the provisions of the Covenants and Agreements of Merger in respect of the cases to which these provisions apply.

### Essentials of the new Constitution.

242. The new Constitution of India has been built on basic concepts and against a background very different from those of the scheme embodied in the Government of India Act, 1935. Apart from the fact that the Crown which was an essential feature of the scheme of 1935, and



had certain important functions to perform, disappears from the new Constitution, the former scheme was essentially based on a Rulers' polity. It assumed that sovereignty, in theory as well as in actual practice, vested in the Ruler and that an acceding State consisted, as a federating unit, entirely of the sum total of the sovereignty and autonomous powers vesting in its Ruler and of the personal rights, privileges and dignities enjoyed by him.

243. The new Constitution of India gives expression to the changed conception of Indian unity brought about by two important developments, i.e., the partition of India and the 'unionisation' of states. The Cabinet Mission Plan, under which the Constituent Assembly of India was originally set up, envisaged a weak federal Centre as a measure of concession to the centrifugal trends of the times. It was thought by the authors of this plan that a tenuous constitutional relationship between the Centre and the Constituent units would satisfy the demand of the Muslim majority Provinces for the widest measure of freedom from Central control and reduce to the minimum the field of impingement on the sovereignty of the Rulers of States. The Congress agreed to a Central authority limited to the most essential subjects and to vest all residuary authority not only in the States but also in the Provinces to avert the threatened disruption of the country. With the secession of the Muslim majority Provinces from India, the *raison d'être* for an attenuated Centre disappeared in so far as the relationship of the Centre with the Provinces was concerned. As regards the States, with the rapid demolition of the barriers which separated them from the Provinces, the question of their constitutional relationship with the Centre appeared in a new context. This altered the whole background and gradually the position veered round to a federal structure with a unitary bias, providing for a Centre strong enough to develop the resources of the country and to hold against disruptive forces.

244. Under the Constitution of India the residuary legislative authority, which includes power to impose taxes not specified in any of the Legislative Lists vests in the Union; the Union Parliament alone can make laws for the matters specified in the Union List; the Union has over-riding concurrent legislative authority covering a wide field of subjects; even with respect to matters in the State List, the Union Parliament has power to legislate in the national interests and in a state of emergency. The executive authority of every State is under a statutory obligation to ensure compliance with the Union laws and is to be so exercised as not to impede or prejudice exercise of the executive authority of the Union which extends to giving to the State executive such directions as may be necessary for that purpose. Any failure on the part of the State to comply with the directions issued by the Union executive in the exercise of the executive power of the Union under

the Constitution, will enable the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution and to apply the provisions relating to the break-down of the Constitutional machinery in States.

245. Unlike the scheme of 1935 the new Constitution is not an alliance between democracies and dynasties but a real Union of the Indian people built on the concept of the sovereignty of the people. In a democratic federal State, the fundamental rights of the citizens of one constituent unit cannot vary *vis-a-vis* citizens of another unit. In a people's polity there is no scope for variegated constitutional patterns or disparities as between one federating unit and another. The legislative and executive authority of the Union in respect of the States will, therefore, be co-extensive with its similar authority in and over the Provinces. Subject to certain adjustments during the transitional period, the fiscal relationship of the States with the Centre will also be the same as that between the Provinces and the Centre. The Auditor-General of India will have full control over the audit systems in the States as also in the Provinces. The jurisdiction of the Supreme Court will now extend to the States to the same extent as in the case of the Provinces. The High Courts of the States are to be constituted and will function in the same manner as the Provincial High Courts. All the citizens of India, whether residing in States or Provinces, will enjoy the same fundamental rights and the same legal remedies to enforce them. In the matter of their constitutional relationship with the Centre and in their internal set-up, the States will be on a par with the Provinces. The new Constitution therefore finally eradicates all artificial barriers which separated the States from Provinces and achieves for the first time the objective of a strong, united and democratic India built on the true foundations of a co-operative enterprise on the part of the peoples of the Provinces and the States alike.

246. The important statement which the Hon'ble Sardar Val'abhbhai Patel made before the Constituent Assembly of India on October 12, 1949, in respect of the position of the States under the new Constitution concluded as follows:—

“I take the liberty to remind the House that at the Haripura Session, the Congress, in 1938, defined its objective in respect of the States as follows:—

“The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The Purna Swaraj or complete Independence, which is the

objective of the Congress, is for the whole of India, inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of Federation that can be acceptable to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India'.

I am sure the House will agree with me when I say that the provisions which we are now placing before the House embody in them full achievement of that objective''.

## PART XII

### IN RETROSPECT

247. The problem of Indian States was the most difficult of the legacies of British Rule which devolved on independent India. For over a century the States had dotted the political map of India as disruptive patches retarding the political and economic integration of the life of her people. When the British appeared in India, the Moghul Empire, which had held the States together, was disintegrating and the States were swaying in the wind of history. With the establishment of the British as the dominant power in India a strange process overtook the States. The representatives of the powerful East India Company rescued a number of States from the wreckage that followed the collapse of the Moghul Empire; some Princes were lifted from chaos; others were confirmed in their possessions whether acquired legitimately or otherwise; yet others were sent into oblivion. The Subsidiary System of alliance imposed on the States broke their internal strength and independence. The authority and prestige of the larger of the States was further undermined by the stabilisation of the position of the small feudatory States and by the interposal of British power as the supreme arbiter between them and the parent States. Having thus broken the strength of the States, the dominant power then set itself to guarantee and perpetuate their existence. So effective was the enforcement of the *Pax Britannica*, and so abrupt its effect that, guarded against the normal evolutionary and revolutionary processes, the States assumed in the first quarter of the 19th century the "appearance of a sea suddenly petrified in a condition of stormy unrest and disquietude". Firmly set under the external pressure of a resourceful foreign power, the monarchical system in India, which was as old as India's history itself, shifted from its traditional moral plane and lost its own innate strength. Inevitably the Indian Rulership turned into a product and a prop of British Imperialism.

#### Nature of Treaty Obligations

248. It was one of the principal contradictions of the British rule in India, that while in England and elsewhere, feudalism had died long ago, in India feudal rights continued to be guaranteed as a British obligation. It was a rather curious notion of treaty obligations that engagements entered into a long time ago on the fields of battle or immediately afterwards between rival commanders, or their chiefs should last for ever and hold up the march of history.

### Moral Aspect of Treaties

249. It is a recognised principle of International Law that the treaties for the duration of whose obligations no special period is fixed, are not to be understood as binding the contracting powers in the event of some material change in the conditions with reference to which they were concluded. An essential change of conditions—the term includes not only material but also moral facts—necessarily involves the obsolescence of treaty obligations. Dealing with this aspect of these engagements, Coupland has admirably summed up the position as follows:—

“The law can only take account of usage and sufferance, but there is also a moral proviso which is insusceptible of legal definition. No undertaking can be rightly interpreted without weighing the effect of lapse of time and change of circumstance. It is not only a question of material factors: it is also a question of morals. No compact can endure when, owing to the evolution of ideas, it has ceased to square with general conceptions of right and wrong. In this sense *rebus sic stantibus* is the implicit condition of every treaty. And certainly things no longer stand in India as they stood when most of the treaties were made. It was assumed, for instance, by those who made them, that British rule in India would continue. Indeed they were made on the British side solely for the purpose of maintaining it. Manifestly the whole situation is very different when the British Government has declared its intention of bringing British rule to an end as soon as possible. Pledges, again, to protect the dynastic rights of the Princes must needs read differently now from the way they read a century or more ago. When, for example, Metcalfe signed in 1818 a treaty which declared that the ‘Maharajah (of Bikaner) and his heirs and successors shall be absolute rulers of their country’ he was intending to safeguard the ruling dynasty primarily against British usurpation of its rights and possibly also against the claims of rivals to the throne. He was certainly not contemplating the possibility of democratic agitation. Democracy as practised now in Britain or in an Indian Province was almost as inconceivable to the British governing class in the early nineteenth century as it was to an Indian Prince. Thus, the development of Western political thought, quite as much as usage and sufferance arising from acts of interference by

the British Government with a Prince's absolute authority, has made it impossible to construe such pledges literally. Is it conceivable that the British Government should lend its aid to prevent the development of constitutional government in the States when it has not only promoted that development in the neighbouring Provinces for many years past but actually brought it in recent years to its almost complete culmination by Act of Parliament?"

### **Violation of Treaty-Rights under British Rule**

250. Yet it was precisely to prevent the constitutional advancement of States and the political progress of India, that the treaty obligations came in handy as a convenient veto. In all other fields, the treaty rights of the States, overborne by the heavy pressure of political practice, vanished into thin air. British statesmen themselves made no secret of their stand that the treaty obligations did not stand in *vacuo* and that the relations between the Paramount Power and the States were determined not so much by the letter of treaties as by usage and sufferance.

251. Under the Company's regime treaties were honoured more in their breach than in their observance. Internal independence of the States and their territorial integrity were of the essence of these treaties. The exercise of paramountcy powers in the States and the policy of annexation were, therefore, the very negation of the Company's treaty obligations. Even during that period of the Company's rule, when officially the policy of non-intervention held the field, in actual practice there was a great deal of interference by the Company in the internal affairs of the States such as Oudh, Mysore, Nagpur, Udaipur, etc. The nature and degree of interference varied at different phases according to the shifting requirements of Imperial interests and the temperament and the personality of the agents of the Company interpreting those requirements. Indeed, these treaties were a flexible instrument in the hands of the Empire-builders, who used them to suit the exigencies of the times. The whole scope of the relationship between the States and British power was purposely kept nebulous and vague. "It is impossible", wrote Sir George Campbell in 1852, "to give any definite explanation of what things we do meddle with and what we do not". The entire system was so capricious that even Dalhousie, so well-known for his confirmed convictions and his vigorous policy of annexation, refused to interfere in Hyderabad despite the wretched misrule of the Nizam.

252. Nor did the position change in any material respect with the assumption of the direct rule of India by the Crown. Canning was emphatic on the Crown's right to intervene in cases of gross maladministration. Elgin equally recognised that the alternative to intervention in cases of gross misrule was annexation. It is evident that even the first two Viceroys did not interpret rigidly either the Act of 1858 or the Royal Proclamation. Lord Curzon, during whose Viceroyalty the rising tide of paramountcy touched the highest level and who so stretched the paramountcy relationship as to make it virtually co-extensive with sovereignty, had the scantiest respect for any of the treaty obligations. Finally Lord Reading formally laid to rest all talks about the Crown's relationship with the States being governed by treaties. "They construed" writes Westlake, "a treaty not by its bare words but as necessarily reserving the right of the Paramount Power to follow its known principles of action". When once the principle was enunciated that the political system of India did not rest upon treaties, it was easy for the political officers so to extend the tentacles of paramountcy as to envelope the entire structure of the States. There was no part of States' life,—legislative, executive and even judicial—which was not touched by the long hand of the supreme power. Even the palaces and the private life of the Rulers were not exempt from the intrusion of the Paramount Power.

253. The Princes groaned under this all-pervading yoke of the Paramount Power; there was, however, no remedy against this persistent and ruthless attrition of their treaty rights. They could have no recourse to a judicial tribunal even in respect of such of the questions arising out of the treaty compacts as were patently of a justiciable nature. They were disentitled to ventilate their grievances in the Press or to appeal to public opinion for support. The Paramount Power firmly held that the Crown alone could determine the confines of paramountcy and the Crown was not disposed to set any limits to its powers.

254. In this context, all talk about the treaties with the Princes being inviolate and inviolable seemed patently unreal. Public opinion in India found it difficult to reconcile itself to the view that the British Government was upholding the outworn system in the States, in direct violation of its professed democratic faith, merely to honour its engagements with the Princes. Obviously, the whole system was governed "by imperial interests and the shifting necessities of the times", as the Butler Committee frankly admitted.

### Theory of 'Personal Contract'

255. A striking illustration of this opportunistic approach to the whole question of the status of the Indian States was provided by the theory of 'personal contract' or 'personal obligation' as between the Crown and the Rulers which found expression in the Act of 1935. The increasing emphasis on the Crown in the field of relationship of the States with the Paramount Power, and the interposition of the Crown Representative between the Government of India and the States, were constitutional innovations calculated to deprive the successor Government at the Centre of its legitimate status *vis-a-vis* the States and to impede the evolution of an organic political and fiscal relationship between the Centre and the States.

The theory of personal contract disregarded not only historical facts but also usage and sufferance which had come to be recognised as the principal factors governing the relationship between the States and the Paramount Power.

256. It is a recognised historical fact that the East India Company had a juridic personality of its own not merely as a trading corporation but as a political power quite distinct from the British Crown. In entering into treaty relationship with the States, the Company acted not as agent of the King in Parliament at Westminster, but in theory as the agent of the Delhi Emperor from whom power and authority were supposed to be derived although he himself was an empty pageant. The attributes of a territorial sovereign, which, coupled with its pre-eminent position in India, enabled the Company to enter into treaties with the States, were acquired by the Company not from the British Crown but the Moghul Emperor. While the Parliament periodically considered Indian affairs when the Charter of the East India Company came up for discussion, the fact that the Company was functioning in India under the authority conferred on it by the Dewani grant of the Moghul Emperor excluded any direct involvement of the British Crown or Parliament in the affairs of the Company. Even as late as 1831, Metcalfe admitted having been a "dutiful subject" of the King at Delhi; "until 1835", writes Edward Thompson, "the Company had coins in the name of Shah Alam, the blind old man whom Lake had found sitting under a tattered canopy when he entered Delhi". Evidently, the British Crown and Parliament could not be fitted into this context. In no treaty does the Crown find a mention; the treaties usually run in the name of the East India Company, the British Government or the Government of India and the officer subscribing them



does so, generally, in the name of the Governor-General. The Queen's Proclamation of 1858 refers to "all treaties made with them by or under the authority of the Hon'ble East India Company." The transfer by the East India Company of its Indian dominion to the British Crown did not involve a separate transfer of the Indian States apart from the rest of India. The Company did not obtain the consent of the States to the transfer of its rights and obligations in respect of the States to the Crown. The Crown acquired these rights as a matter of course and the change in no way involved the establishment of any special relationship between the States on the one hand, and the Crown and the British Parliament on the other. It is significant that under the provisions of the Government of India Act, 1858 (section 20), the revenues of India were to include all tributes in respect of territories which would have been receivable by, or in the name of, the East Indian Company, if the Act had not been passed. The States were thus an integral part of the system of the Government of India inherited by the Crown from the Company.

257. This relationship was 'real' in that the treaties imposed obligations on the Rulers for the time being of Indian States, in favour of the authorities for the time being of the Government of India and *vice versa*. Treaties or engagements concerning defence and security between heads of two States and binding on their successors could not be treated as personal contracts. The British Crown is an impersonal institution and there was little justification for the capital which was sought to be made of the personal loyalty of the Rulers to the King Emperor. It is clear that the term 'Crown', for purposes of determining the *locus* of paramountcy meant only the Crown as the Sovereign of India. The Crown could operate as Paramount Power *vis-a-vis* the Indian States only because of its sovereignty in British India.

258. The Committee appointed by the All Parties Conference in 1928, under the Chairmanship of the late Pandit Motilal Nehru, to draft a constitution for India, examining the theory of personal contract when it was first openly advocated on behalf of some of the Princes by their counsel in a letter to the Law Quarterly Review, expressed itself as follows:

"The fourth proposition is that the Princes in making these contracts gave their confidence to the British Crown and nation; and the Crown cannot assign the contracts to any third party. The British Government as paramount power has undertaken the defence of all the States, and therefore to remain in India

with whatever military and naval forces may be requisite to enable it to discharge that obligation. It cannot hand over these forces to any other Government—to a foreign power such as France, or Japan; to a dominion Government such as Canada or Australia; nor even to British India”.

“The necessary corollary to this is stated in the fifth proposition *viz.*, that “The Crown can normally choose its agent. But an agent cannot act when his interest may conflict with his duty. In all matters of common concern with the States—customs, railways, ports, the salt monopoly, etc.—there is always the possibility that the interest of British India may not be identical with the interest of a particular State. The Crown’s duty is, or may be, to safeguard the interest of the State particularly in case of a minority administration. Should the interest of the agent be given the chance of conflicting with the duty of the principal?” This if true is putting up an effective barrier against the progress of British India towards Dominion Status, now and for ever, for it is obvious that if these ‘contracts’ between the Indian Princes and the British Crown and nation are of a personal character India must always continue to be divided between what is British India and Indian States, and the British nation must always maintain adequate military and naval forces to discharge its obligations to Indian States”.

Dealing with the contention that British Government could not transfer their treaty obligations to any other power or even to British India, the Committee went on to say:

“The argument ignores the settled practice of the Government of India and, by invoking so-called first principles in determining the “legal relationship”, it overlooks the hard and unchallengeable fact that from the early days of the Company it has been the Government of India and the Government of India alone which has dealt with Indian Princes and Indian States. It introduces an element of “personal confidence” between them and the British nation which is not easy to understand. It suggests that the past and present Governments of India which have so far exercised the power, said to be delegated from the Crown, were and are acceptable to the Indian Princes and Indian States; but that the future

Government of India, if it is to be of the Dominion type, will not be so acceptable. This in plain English means that the past and present Governments of India were acceptable because they were essentially foreign in their composition and not responsible to the Indian electorate and that the future responsible Government of India would not be acceptable to the Indian Princes because it will consist of their own countrymen and because it will be responsible to an electorate of their own countrymen. But supposing that this is so, is there any authority for the proposition that when a "contract" may be performed by an agent the choice of that agent does not rest with the principal but with the other party to the "contract"?"

259. The theory that the head of a State could, in his personal capacity, enter into treaty engagements having far-reaching effect on the destinies of the people, is too anachronistic to be maintained in the 20th century. However, the theory came to stay; it further widened the cleavage between the Princes and the people and drove the Princes deeper into the Imperial fold.

### **Separatist Trends Encouraged by Theory of Personal Contract**

260. The new concept encouraged separatist trends and obstructionist tactics in Princely quarters. Coupland comparing the attitude of the Princes with that of the Muslim League observed "but there can be no doubt that they (Princes) would insist quite as firmly on disrupting India rather than accept an all-India system of government which over-rode their rights and put them at the mercy of the Congress and the High Command". "Nor would it be" he went on to say, "reasonable on the British Government's part to rule that out". No wonder that fed on such theories, the Princes subscribed, even so late as the eve of the Cripps Mission, to the policy embodied in the following resolution unanimously adopted by the Chamber of Princes:—

"That this Chamber has repeatedly made it clear that any scheme to be acceptable to the States must effectively protect their rights, arising from the Treaties, Engagements, and Sanads or otherwise and ensure the future existence, sovereignty and autonomy of the States thereunder guaranteed and leave them complete freedom duly to discharge their obligations to the Crown and to their subjects; it therefore notes with

particular satisfaction the reference in the announcement of the Prime Minister to the fulfilment of the Treaty obligations to the Indian States''.

It would be wrong to assume that this resolution really represented the unanimous wishes of the Princes; it was only an indication of the complex which rendered it impossible for Princes to think of India freed from the foreign yoke, or of a constitutional relationship with the Government at the Centre in which the Crown did not find a place.

### **Declaration of Lapse of Paramountcy: A Consequence of the Theory of Personal Contract**

261. The decision regarding the lapse of paramountcy was a direct consequence of the theory of personal contract and of the 'non-transferability' of treaty rights without the consent of the Rulers. The doctrine of lapse of paramountcy over Indian States was developed by British legal acumen for conserving the "comradeship in danger and difficulty" between the Imperial power and the Rulers in a context when complete withdrawal of British Power had not been envisaged as a real possibility. However, even after an irrevocable decision had been taken by the British to withdraw from India, the theory that history could be reversed and that with the withdrawal of the British, Indian States comprising two-fifths of the land must return to a state of unorganised political isolation, was persevered in with a determination bordering on recklessness.

### **Inherent Impracticability of Lapse of Paramountcy**

262. The Cabinet Mission's Memorandum on Paramountcy and subsequent declarations recognised the inherent impracticability of the decision whereby all links between the States and the Central Government were to terminate at one stroke of the pen. The British spokesmen endeavoured to mitigate the evils of this decision by advising the States to link their lot with the Dominion and recognised that federal or political relationship between the States and the Centre was inevitable. Lord Mountbatten, speaking at a Conference of the Princes on July 25, 1947, said "that link (with the British Crown) is now to be broken. If nothing can be put in its place, only chaos can result".

It is a plain fact that an India broken into hundreds of independent entities would have inevitably lapsed speedily into a state of chaos. An India hopelessly divided against herself could in no way discharge the responsibilities which her strategic position no less than her moral heritage imposed on her. Far from being a stabilising factor such an India

would have only proved a menace to world peace. Public opinion in India viewed this contingency with grave concern.

In justification of the decision for the lapse of paramountcy it was stated that the main purpose of this decision was to strengthen the bargaining capacity of the Rulers. Without doubt this bargaining had to be at the expense of either the basic rights of the people of the States or the collective interests of the Indian people as a whole. Be that as it may, the long-awaited Independence came to India associated with a threat of imminent chaos as a result of partition and the contemplated lapse of Central authority over a third of India.

### **Fundamentals of Paramountcy**

263. The basic feature of the whole paramountcy structure was not that the British possessed paramountcy rights and were, therefore, paramount, but that they were paramount and had, therefore, paramountcy rights. The position taken by the British was that paramountcy was not merely the sum of a number of separate rights, specifically ceded or acquired, but that the exercise of various paramountcy rights was one of the evidences of British paramountcy. The whole basis of the doctrine was that internally as well as externally the States were under the protection of the supreme power in India. The unavoidable consequence of such complete dependence was the acknowledged supremacy of the protecting power; a corollary of this relationship was the assumption by the supreme power of rights arising out of its obligations in relation to dependent States.

264. The British Government made it clear in various authoritative pronouncements that paramountcy rights were not governed by the terms of treaties. To quote from Lord Reading's famous letter (Appendix I) to the Nizam, "the sovereignty of British Crown is supreme in India..... Its supremacy is not based only upon treaties and engagements but exists independently of them and quite apart from its prerogative in matters relating to foreign power and policies. it is the right and duty of the British Government..... to preserve peace and good order throughout India. The consequences of that theory are so well known."

265. The British established themselves as the dominant power in India in 1818. But their *de jure* paramountcy over the States dates from the disappearance of the Moghul Emperor from the Indian scene. It was claimed on behalf of the British that with the disappearance of the Moghul Emperor, it automatically succeeded to all his authority and prero-

gatives. In the following extracts from A. B. Keith, an eminent authority on British Constitutional Law, this position is clearly set out:—

“It is clear that the British Crown has succeeded to the Paramount Power over India once possessed *de jure* and *de facto* by the Moghul Emperor, acquired *de facto* by the East Indian Company, and finally assumed by the East India Company *de jure* by the disappearance of the Emperor.”

“The Crown was now in India what the Emperor had been, a completely sovereign power predominant over all others and claiming allegiance. The tone adopted by Canning is explicable only by the realisation that the Crown had succeeded to the whole authority of the Empire, in so far as it chose to exert it and the Crown unlike the Emperor had means fully adequate to make effective use of its powers”.

It is thus an established fact that the British Crown itself did not acquire paramountcy rights by any express grant, cession or transfer. In this context, a declaration issued by the Crown terminating its relationship with States could determine only the Crown's own future relationship with the States; it could not have the effect of divesting the successor Government of its status *vis-a-vis* the States and its rights and obligations in relation to them inhering in it as the supreme power in India.

266. In spite of the declaration regarding the lapse of paramountcy, the fundamentals on which it rested remained. The essential defence and security requirements of the country and the compulsions of geography did not cease to be operative with the end of British rule in India. If anything, in the context of world events, they have become more imperative. The Central Government in India which succeeded the British was unquestionably the paramount power in India both *de facto* and *de jure* and that Government alone was the only completely independent sovereign in India. It was the special responsibility of this Government to protect all territories in India from external aggression and to preserve peace and good order throughout the country. All the factors which established the paramountcy of the British Government over the States operated to assign a similar position to the Government of India. The process of usage and sufferance, which was an important source of paramountcy rights of the British Crown, started even before the declaration regarding the lapse of paramountcy became effective. The Rulers of States in several cases themselves voluntarily submitted to the jurisdiction of the Government of India in the paramountcy field. To all these

must be added the important factor of the powerful sanction of the popular will behind the Government of free India.

267. It was thus the duty of the Government of India to ensure that the vacuum caused by the withdrawal of the British did not disturb the peace and tranquillity of the country. None of the Indian States had sovereign rights in the full sense of the term; nor did they have individually the necessary resources to claim or enjoy the attributes of a sovereign independent power. Even before the ascendancy of the British power in India, there was only one king in India, "The King of Delhi". To this King, both by title and admission, the leading Princes acknowledged allegiance. "No sovereign State in India", says William Barton, "is in direct descent from the Moghul of the past". If in the 18th century, or even earlier, these States did not have an independent status, it was obvious that in the 20th century, when petty sovereignties were a patent anachronism, the assumption by States of independent status was not practical politics. Nor was it feasible for the States to form a Union by themselves. In the first instance, the chronic mutual jealousies of the Rulers and the fact that not all of them would have agreed to sabotage the hard-earned freedom of India, would have stood in the way of the development of such a project. Such a proposition would have been incompatible with India's independence and the fundamental geographical compulsions, no less than the democratic upsurge of the people of the States, would have ruled it out. Events in Travancore leading up to the accession of the State to the Dominion of India demonstrated that the growing sense of integral nationalism in the States' people would not allow the Rulers to thwart the national destiny of India. It was clear beyond doubt that the peoples' Government at the Centre could depend on the loyalty of the people of the States to which the alien rulers of India could lay no claim.

268. Without doubt the States were inchoate political entities; under British rule their juridical and political personality had been supplemented by the Crown. The position was inescapable that with the withdrawal of the British the Government of India must step in and fill the vacuum. The trends in the States clearly indicated that with the end of British rule in India, the entire States structure would come down with a crash. The Government of India had, therefore to act promptly.

269. The first step in this direction was the accession of the States on the three subjects of Defence, External Affairs and Communications. This form of accession created only a tenuous constitutional relationship and

did not enable the Government of India to discharge effectively its responsibility as the Central Government of India *vis-a-vis* the States. The question before the Government of India was whether the rest of the gap should be filled on a progressive or a retrogressive basis. If autocracy was allowed to fill the breach then the contrast between the States and the Provinces, which was already very sharp even before independence, would have inevitably led to an explosive situation. The only alternative was to fill the vacuum by expanding the scope of the constitutional relationship between the States and the Centre.

270. The paramountcy relationship between the Crown and the States was essentially an extra-constitutional relationship; it was a political relationship. It, no doubt, covered a wide field including the internal administration of the States. Such an arrangement worked because firstly the relationship between the supreme power and the Rulers was solely of a political nature, and secondly the medium for the exercise of the paramountcy functions in the administrative field was provided by the Rulers, who exercised full authority and power concerning the governance of their States and whose orders were not questioned by any Courts of law in the States. The decisions in respect of dynastic matters were implemented because of military sanctions of paramountcy.

271. Under this kind of paramountcy there was scope for the continuance of States in varying phases of development with varying degrees of sovereignties, Constitutional relationship on the other hand presupposes constitutionalisation and rationalisation of the various units linked by a constitutional relationship; it presupposes sizeable units with political and administrative organs adequate to the obligations of full-fledged constituent units of a federal State. It also presupposes a workable uniformity between the units in respect of their political and administrative set-up. If the breach was, therefore, to be filled by expanding the constitutional relationship between the States and the Centre, integration and democratisation were inevitable.

### **Organic Unification of India**

272. The policy of integration and democratisation, which the Government of India have applied to the States, constituted thus the only solution of the problem of States, and the only method of fitting in the States in the new set-up of India. This was, therefore, no emotional approach, nor any expansionist policy, nor power politics. Highly practical reasons of geography, all-compelling defence and internal security requirements, basic economic needs of the country, and other equally strong considerations rendered a real organic unification of India imperative.



273. The pace at which the events moved in States was rather rapid. There was, no doubt, an element of risk in changing the face of States overnight. At the same time a policy of gradualness involved even more potential dangers. The form and the method of governance are normally in a continual process of change. The normal operation of dynamic political forces had been arrested in States and they had remained practically static for over a hundred years. Loud discordance between the conditions of the people and the urge of the times spurs up the people to revolutionary activity. It was therefore, part of wisdom to accelerate the pace so as to keep step with the new orientation of popular aspirations. There was therefore undoubtedly sound reason for what might appear as 'stampeding' the States into the new order.

274. There were two factors which forced the pace of events, firstly the British declaration regarding the lapse of paramountcy, and secondly the patent vulnerability of the smaller States. It is quite conceivable that if the vacuum resulting from the lapse of paramountcy had not been caused, the forces that rushed to fill it might not have gathered the momentum which rapidly transformed the States. The dangers inherent in the situation were underlined by the attitude of some of the Princes who were inclined to sacrifice national interests and the interests of the people on the altar of personal ambition. The events in certain States such as Junagadh and Hyderabad had come as pointers in that direction. If the Government of India had been formally recognised as the succession Government in respect of the relations of the States with the Crown, the process of fitting the States into the new structure of India would have probably taken its normal course. The inherent incapacity of the smaller units to continue in their old set-up, even for a short period, was another factor which unleashed the forces which enveloped even the bigger States.

275. The consummation of the new set-up of the Indian States has involved protracted negotiations and hard labour. The results which have been achieved will leave an impress on India's history. But for the patriotic cooperation of the Princes, the tremendous change that has come over India for the mutual benefit of the people and the Rulers would not have been possible. Traditionally habituated to an order of personal rule, the new order has involved a radical shift for them. They have given evidence of imagination, foresight and patriotism by accepting the change with a good grace. By their appreciation of the aspirations of the people they made integration of States and transfer of power to the people

smooth and peaceful. They may well claim to be co-architects in building a free and democratic India in which the people of the Provinces and the people of the States will enjoy alike the full measure of freedom and march together as citizens of free India.



## APPENDIX I

**Letter from the Viceroy and Governor-General of India to His Exalted Highness the Nizam of Hyderabad, dated Delhi, the 27th March, 1926**

YOUR EXALTED HIGHNESS,

Your Exalted Highness's letter of 20th September, 1925, which has already been acknowledged, raises questions of importance, and I have, therefore taken time to consider my reply.

I do not propose to follow Your Exalted Highness into a discussion of the historical details of the case. As I informed you in my previous letter, your representations have been carefully examined, and there is nothing in what you now say which appears to affect the conclusions arrived at by me and my Government and by the Secretary of State. Your Exalted Highness's reply is not in all respects a correct presentation of the position as stated in my letter of 11th March last, but I am glad to observe that in your latest communication you disclaim any intention of casting imputations on my distinguished predecessor, the late Marquis Curzon.

I shall devote the remainder of this letter to the claim made by Your Exalted Highness in the second and third paragraphs of your letter and to your request for the appointment of a commission.

2. In the paragraphs which I have mentioned you state and develop the position that in respect of the internal affairs of Hyderabad, you, as Ruler of the Hyderabad State, stand on the same footing as the British Government in India in respect of the internal affairs of British India. Lest I should be thought to overstate your claims. I quote Your Exalted Highness's own words: "Save and except matters relating to foreign powers and policies, the Nizams of Hyderabad, have been independent in the internal affairs of their State just as much as the British Government in British India. With the reservation mentioned by me, the two parties have on all occasions acted with complete freedom and independence in all inter-Governmental questions that naturally arise from time to time between neighbours. Now, the Berar question is not and cannot be covered by that reservation. No foreign power or policy is concerned or involved in its examination, and thus the subject comes to be a controversy between the two Governments that stand on the same place without any limitations of subordination of one to the other."

3. These words would seem to indicate a misconception of Your Exalted Highness's relations to the Paramount Power, which it is incumbent on me as His Imperial Majesty's representative to remove, since my

silence on such a subject now might hereafter be interpreted as acquiescence in the propositions which you have enunciated.

4. The Sovereignty of the British Crown is supreme in India, and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them and, quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India. The consequences that follow are so well known, and so clearly apply no less to Your Exalted Highness than to other Rulers, that it seems hardly necessary to point them out. But if illustrations are necessary. I would remind Your Exalted Highness that the Ruler of Hyderabad along with other Rulers received in 1862 a Sanad declaratory of the British Government's desire for the perpetuation of his House and Government, subject to continued loyalty to the Crown: that no succession in the Masnad of Hyderabad is valid unless it is recognised by His Majesty the King-Emperor: and that the British Government is the only arbiter in cases of disputed succession.

5. The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown. The British Government have indeed shown again and again that they have no desire to exercise this right without grave reason. But the internal, no less than the external security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government, and where Imperial interests are concerned, or the general welfare of the people of a State is seriously and grievously affected by the action of its Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie. The varying degrees of internal sovereignty which the Rulers enjoy are all subject to the due exercise by the Paramount Power of this responsibility. Other illustrations could be added no less inconsistent than the foregoing with the suggestion that, except in matters relating to foreign powers and policies, the Government of Your Exalted Highness and the British Government stand on a plane of equality. But I do not think I need pursue the subject further. I will merely add that the title "Faithful Ally" which Your Exalted Highness enjoys has not the effect of putting Your Government in a category separate from that of other States under paramountcy of the British Crown.

6. In pursuance of your present conception of the relations between Hyderabad and the paramount power, you further urged that I have mis-described the conclusion at which His Majesty's Government have arrived at a "decision" and that the doctrine of *res judicata* has been misapplied to matters in controversy between Hyderabad and the Government of India.

7. I regret that I cannot accept Your Exalted Highness's view that the orders of the Secretary of State on your representation do not amount to a decision. It is the right and privilege of the Paramount Power to decide all disputes that may arise between States, or between one of the States and itself, and even though a court of Arbitration may be appointed in certain cases, its function is merely to offer independent advice to the Government of India with whom the decision rests. I need not remind you that this position has been accepted by the general body of Indian Rulers as a result of their deliberations on paragraph 308 of the Montagu-Chelmsford Report. As regards the use of the term *res judicata*, I am, of course, aware that the Government of India is not, like a Civil Court, precluded from taking cognizance of a matter which has already formed the subject of a decision, but the legal principle of *res judicata* is based on sound practical considerations, and it is obviously undesirable that a matter which has once been decided should form the subject of repeated controversies between the same parties.

8. I now pass on to consider your request for the appointment of a Commission to enquire into the Berar case and submit a report. As Your Exalted Highness is aware, the Government of India not long ago made definite provision for the appointment of a Court of Arbitration in cases where a State is dissatisfied with a ruling given by the Government of India. If, however, you will refer to the document embodying the new arrangement, you will find that there is no provision for the appointment of a Court of Arbitration in any case which has been decided by His Majesty's Government, and I cannot conceive that a case like the present one, where a long controversy has been terminated by an agreement executed after full consideration and couched in terms which are free from ambiguity, would be a suitable one for submission to arbitration.

9. In accordance with Your Exalted Highness's request your present letter has been submitted to His Majesty's Secretary of State, and this letter of mine in reply carries with it his authority as well as that of the Government of India.

Yours sincerely,

(Sd.) READING.

## APPENDIX II

Cabinet Mission, Simla, 12th May 1946.

### MEMORANDUM IN REGARD TO STATES TREATIES AND PARAMOUNTCY.

1. Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the successor Government or Governments in British India desire independence no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period, which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new Constitutional structure for India and His Majesty's Government have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

4. During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations which will be necessary whether the States desire to participate in the new Indian Constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can should it be so desired.

5. When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover they cannot contemplate that British troops would be retained in India for this purpose. Thus as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

NOTE:—The following explanatory note was issued by the Cabinet Mission in New Delhi on the date of publication (22nd May 1946):—

“The Cabinet Delegation desire to make it clear that the document issued to-day entitled ‘Memorandum on States Treaties and Paramountcy’ presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes’ was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words ‘Succession Government or Governments of British India’ an expression which would not of course have been used after the issue of the Delegation’s recent statement.”



## APPENDIX III

### Statement by the Cabinet Delegation and the Viceroy

\* \* \* \*

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

\* \* \* \*

We recommend that the constitution should take the following basic form:—

- (1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.

\* \* \* \*

- (4) The States will retain all subjects and powers other than those ceded to the Union.

\* \* \* \*

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 98, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

\* \* \* \*

(vi) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

\* \* \* \* \*

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee.

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## APPENDIX IV

### Indian Independence Act

7. Consequences of the setting up of the new Dominions.

(1) As from the appointed day (August 15th, 1947).

\* \* \* \* \*

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise;

\* \* \* \* \*

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this sub-section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

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## APPENDIX V

### Sardar Patel's Statement of 5th July 1947 on Indian States

It was announced some days back that the Government of India had decided to set up a Department to conduct their relations with the States in matters of common concern. This Department has come into being today and the States have been informed to this effect. On this important occasion I have a few words to say to the Rulers of Indian States among whom I am happy to count many as my personal friends.

It is the lesson of history that it was owing to her political fragmented condition and our inability to make a united stand that India succumbed to successive waves of invaders. Our mutual conflicts, and internecine quarrels and jealousies have in the past been the cause of our downfall and our falling victims to foreign domination a number of times. We cannot afford to fall into those errors or traps again. We are on the threshold of independence. It is true that we have not been able to preserve the unity of the country entirely unimpaired in the final stage. To the bitter disappointment and sorrow of many of us some parts have chosen to go out of India and to set up their own Government. But there can be no question that despite this separation a fundamental homogeneity of culture and sentiment reinforced by the compulsive logic of mutual interests would continue to govern us. Much more would this be the case with that vast majority of States which owing to their geographical contiguity and indissoluble ties, economic, cultural and political, must continue to maintain relations of mutual friendship and co-operation with the rest of India. The safety and preservation of these States as well as of India demand unity and mutual co-operation between its different parts.

When the British established their rule in India they evolved the doctrine of paramountcy which established the supremacy of British interests. That doctrine has remained undefined to this day, but in its exercise there has undoubtedly been more subordination than co-operation. Outside the field of paramountcy there has been a very wide scope in which relations between British India and the States have been regulated by enlightened mutual interests. Now that British rule is ending, the demand has been made that the States should regain their independence. In so far as paramountcy embodied the submission of States to foreign will, I have every sympathy with this demand, but I do not think it can be their desire to utilise this freedom from domination in a manner which is injurious to the common interests of India or which militates against the ultimate paramountcy of popular interests and welfare or which might result in the abandonment of that mutually useful relationship that has

developed between British India and Indian States during the last century. This has been amply demonstrated by the fact that a great majority of Indian States have already come into the Constituent Assembly. To those who have not done so, I appeal that they should join now. The States have already accepted the basic principle that for Defence, Foreign Affairs and Communications they would come into the Indian Union. We ask no more of them than accession on these three subjects in which the common interests of the country are involved. In other matters we would scrupulously respect their autonomous existence.

This country with its institutions is the proud heritage of the people who inhabit it. It is an accident that some live in the States and some in British India, but all alike partake of its culture and character. We are all knit together by bonds of blood and feeling no less than of self-interest. None can segregate us into segments; no impassable barriers can be set up between us. I suggest that it is therefore better for us to make laws sitting together as friends than to make treaties as aliens. I invite my friends, the Rulers of States and their people to the Councils of Constituent Assembly in this spirit of friendliness and co-operation in a joint endeavour, inspired by common allegiance to our motherland for the common good of us all.

There appears a great deal of misunderstanding about the attitude of the Congress towards the States. I should like to make it clear that it is not the desire of the Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely Order, but, on the other hand, wish them and their people under this aegis all prosperity, contentment and happiness. Nor would it be my policy to conduct the relations of the new Department with the States in any manner which savours of the domination of one over the other; if there would be any domination, it would be that of our mutual interests and welfare. We have no ulterior motive or selfish interests to serve. Our common objective should be to understand each other's point of view and come to decisions acceptable to all and in the best interests of the country. With this object, I propose to explore the possibility of associating with the administration of the new Department, a Standing Committee representative of both the States and British India.

We are at a momentous stage in the history of India. By common endeavour we can raise the country to a new greatness while lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation in the general interest is anarchy and chaos which will overwhelm great and small in a common ruin if we

are unable to act together in the minimum of common tasks. Let not the future generation curse us for having had the opportunity but failed to turn it to our mutual advantage. Instead, let it be our proud privilege to leave a legacy of mutually beneficial relationship which would raise this Sacred Land to its proper place amongst the nations of the world and turn it into an abode of peace and prosperity.

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## APPENDIX VI

### Press Communiqué

A conference of the Rulers and representatives of Indian States was held at 3-30 P.M. in the Chamber of Princes on Friday, 25th July, 1947, His Excellency the Viceroy presiding.

Addressing the Conference, H.E. the Viceroy said:—

YOUR HIGHNESSES AND GENTLEMEN,

It is a great pleasure and a great privilege for me to address so many Rulers, Dewans and representatives of the States of India in this historic Chamber of Princes. It is my first and my last occasion that I have the privilege of addressing you as Crown Representative.

I would like to begin with by giving you a very brief history of the negotiations I have conducted since I have been out here and the line that I have taken up about the States.

There were two distinct problems that faced me. The first was how to transfer power to British India and the second, how to fit the Indian States into the picture in a manner which would be fair and just to all concerned.

I dealt first with problem of British India, because you will realise that until that problem was solved it was quite useless to try to start on a solution of the problem of the States. So I address my mind to that.

Here I digress. There was a universal acceptance among the States of the Cabinet Mission's Memorandum of May 12th and when the parties accepted my Statement of June 3rd they fully realised that withdrawal of Paramountcy would enable the States to regain complete sovereignty. That gave me a starting point from which to try and deal fairly with the States.

But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of the mechanics of partition—a plan against my personal desires. As you all know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the Province of Sind from Bombay. It took two years to separate the Province of Orissa from Bihar. Gentlemen, we decided that in less than 24 months we shall have to go through the partitioning of one of the biggest countries in the world with 400 million inhabitants. There was a reason

for the speed. I was quite certain that while the British overlordship remained no satisfactory conclusions could be reached psychologically between the parties. So once we got the two Governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom—technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of co-ordinated administration on all matters of common concern which meant that the sub-continent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it will take to feel it—but even the biggest of the States will feel itself hurt just the same as any small State. The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominions of India and Pakistan—into direct touch with the States. So we conceived the scheme of setting up two States Departments within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representatives, the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. In India the States Department is under the admirable guidance of Sardar Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nishtar with Mr. Ikramullah as the Secretary. It was necessary to set up two States Departments, one in each Government because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although



important are not so numerous, and Mr. Jinnah, the future Governor-General of Pakistan, is prepared to negotiate the case of each State separately and individually. But in the case of India where the overwhelming majority of the States are involved, clearly separate negotiation with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity and to see if in the short time available it was not possible to get the agreement through with every State representative. It does not replace the need for Standstill agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the Constitution when it was framed, they would be outside the organisation and left in a position which, I submit, if you think it over carefully, no State could view with equanimity—to be left out having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhbhai Patel on taking over the States Department made, if I may say so, a most statesmanlike statement of what he considered were the essentials towards agreement between the States and the Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16th May 1946. In this Plan the proposal was that the States should surrender to the Central Government three subjects—Defence, External Affairs and Communications. That was a plan which, to the best of my believe, every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that Defence was a matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit, therefore, that if you do not link up with one or the other of the Dominions, you will be cut off from any source of supplies of up-to-date arms or weapons.

External Affairs is inextricably linked up with Defence. External Affairs is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having Ambassadors or Ministers or Consuls in all

these foreign countries; surely you want to be able to use those of India and Pakistan. Once more I suggest that External Affairs is something that you have not dealt with since the formation of the East India Company. It would be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the Defence of the country. I submit that if you take it up it will be a liability and not an asset.

The third subject is Communications. Communications is really a means of maintaining the life-blood of the whole sub-continent. I imagine everybody agrees that the country has got to on. The continuity of Communications is already provided for to a certain extent in the Indian Independence Act; and most of the representatives here have come to discuss it as item 2 on the agenda.

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption at any rate so far as some Princes are concerned, I think I must dispel their apprehensions and misgivings. The draft Instrument of Accession which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States accede to the appropriate Dominion on three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would, in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you would co-operate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before the 15th August, I have no doubt that this is in the best interests of the States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either its internal autonomy or

independence. My scheme leaves you with all the practical independence that you can possibly use and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible. Whatever may be your decision, I hope you feel that I have at least done my duty by the States.

His Excellency then proposed the following Committee for a detailed consideration of the items on the agenda.

His Highness, the Chancellor, the Maharaja of Patiala.

His Highness the Maharaja of Baroda.

His Highness the Maharaja of Gwalior.

His Highness the Nawab of Bhopal.

His Highness the Maharaja of Bikaner.

His Highness the Maharaja of Nawanagar.

His Highness the Maharawal of Dungarpur.

His Highness the Maharaja of Panna.

His Highness the Maharaja of Sirmoor.

The Raja of Korea.

The Nawab of Chhatari of Hyderabad.

Sir C. P. Ramaswami Aiyer of Travancore.

Sir A. Ramaswami Mudaliar of Mysore.

Sir V. T. Krishnamachari of Jaipur.

Sir B. L. Mitter of Baroda.

Mr. M. A. Srinivasan of Gwalior.

Sardar K. M. Panikkar of Bikaner.

Mr. C. S. Venkatachar of Jodhpur.

Sardar D. K. Sen.

Dewan Bahadur C. P. Karunakara Menon of C.

Rai Bahadur D. A. Surve of Kolhapur.

Mr. B. H. Zaidi of Rampur.

His Excellency stated that the idea was to have a compact body to save time. They could split into two sub-committees, one to discuss the draft Instrument of Accession and the other to discuss the Standstill agreements and other matters. He sincerely trusted that the other State representatives would not leave Delhi and that they would maintain daily contact with the members of the Committee to make sure that the Committee is conversant with the majority feelings in the States.

**THE VICE-ROY'S HOUSE,**

*New Delhi, July 25th, 1947.*

## APPENDIX VII

### Instrument of Accession of.....

WHEREAS, the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now THEREFORE I.....  
Ruler of .....  
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of..... (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August, 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August,  
Nineteen hundred and forty-seven.

.....

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I do hereby accept this Instrument of Accession.

Dated this.....day of August, Nineteen hundred and  
forty-seven.

.....

(Governor-General of India)

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## SCHEDULE

*The matters with Respect to which the Dominion Legislature may make Laws for this State.*

### *A. Defence.*

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas

3. Arms, fire-arms; ammunition.

4. Explosives.

### *B. External affairs.*

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State, pilgrimages to places beyond India.

3. Naturalisation.

### *C. Communications.*

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fare, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

*D. Ancillary.*

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

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## APPENDIX VIII

### Form of Instrument of Accession of Semi-Jurisdictional and Non-Jurisdictional States.

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now THEREFORE

I.....  
Ruler of .....  
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of..... (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act"); and I further declare that the Dominion of India may, through such agency or agencies, and in such manner, as it thinks fit, exercise in relation to the administration of civil and criminal justice in this State all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative for the exercise of the functions of the Crown in its relations with Indian States.

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. Without prejudice to the provisions of paragraph 1 I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.



4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August.  
Nineteen hundred and forty-seven.

I do hereby accept this Instrument of Accession.

Dated this.....day of August. Nineteen hundred and  
forty-seven.

.....  
(Governor-General of India)

## SCHEDULE

*The matters with Respect to which the Dominion Legislature may make  
Laws for this State*

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### A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an Acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; fire-arms; ammunition.

4. Explosives.

### B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, Ind.a., including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any actcd-ng State; pilgrimages to places beyond India.

3. Naturalisation.

### C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railway; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation including shipping and navigation in tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

#### D. *Ancillary*

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

## APPENDIX IX

### Agreement between the State of ..... and the Dominion of India

WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern, should continue for the time being, between the Dominion of India or any part thereof and the Indian States:

Now therefore it is agreed between the ..... State and the Dominion of India that:—

1. (1) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof, and the State.
- (2) In particular, and without derogation from the generality of sub-clause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement.

2. Any dispute arising out of this Agreement, or out of the agreements or arrangements hereby continued, shall, unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration according, as far as may be, to the procedure of the Indian Arbitration Act, 1899.

3. Nothing in this Agreement includes the exercise of any paramountcy functions.

.....State.

.....

Secretary to the Government of India.

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### SCHEDULE

1. Air Communications.
2. Arms and equipment.
3. Control of commodities.
4. Currency and coinage.
5. Customs.
6. Indian States Forces.

7. External Affairs.
8. Extradition.
9. Import and Export Control.
10. Irrigation and Electric Power...
11. Motor vehicles.
12. National Highways.
13. Opium.
14. Posts, Telegraphs and Telephones.
15. Railways (including police and other arrangements, in Railway lands).
16. Salt.
17. Central Excises, relief from double income-tax and other arrangements relating to taxation.
18. Wireless.

## APPENDIX X

## Sardar Patel's Statement of 16th December, 1947

The public has already received through the Press and over the radio a fairly clear and detailed picture of the settlement which I have reached, during the course of my visit to Orissa and C.P. and Berar, with the Rulers of Orissa and Chattisgrah States on the problem of integration of those States with their neighbouring Provinces. I feel, however, that for a correct appreciation of this important event it is necessary for me to explain the background and the policy underlying that settlement. Democratisation of the administration which has long been the keynote of Congress policy towards the States, has become a pressing problem since August 15th. The Princes themselves have in many cases begun to realise the spirit of the times and have been gradually introducing measures in accord with that spirit. The progress has been in some States slow, in others it has been swift, but everywhere it has been sure.

It should be obvious to everyone, however, that even democracy and democratic institutions can function efficiently only where the unit to which these are applied can subsist in a fairly autonomous existence. Where, on account of smallness of its size, isolation of its situation, the inseparable link with a neighbouring autonomous territory, be it a Province or a bigger State, in practically all economic matters of every-day life, the inadequacy of resources to open up its economic potentialities, the backwardness of its people and the sheer incapacity to shoulder a self-contained administration, a State is unable to afford a modern system of government both democratisation and integration are clearly and unmistakably indicated.

In the world of today where distances are fast shrinking and masses are being gradually brought into touch with latest administrative amenities it is impossible to postpone for a day longer than necessary the introduction of measures which would make the people realise that their progress is also proceeding at least on the lines of their neighbouring areas. Delays inevitably lead to discontent, which in its turn results in lawlessness; the use of force may for a time check the popular urge for reform, but it can never succeed in eradicating it altogether. Indeed, in many of the States with which I had to hold discussions during the last two days large-scale unrest had already gripped the people; in others the rumblings of the storm were being heard. In such circumstances, after careful and anxious thought, I came to the conclusion that for smaller States of this type, placed in circumstances which I have described above, there was no alternative to integration and democratisation.

At the same time I felt that their rulers had acquired by heredity and history certain claims on the people which the latter must honour. Their dignities and privileges and their means of subsistence on a reasonable standard must be assured. I have always held to the belief that the future of the Princes lies in the service of their people and their country and not in the continued assertion of their autocracy. In conformity with these ideas, I felt that on release from an increasingly onerous and awkward responsibility, but at the same time with their personal position and that of the ruling family fully safeguarded, they would have opportunities of service which have hitherto been denied to them and which many of them are genuinely longing for and genuinely anxious to secure and they would cease to be the targets of continuous bitter attacks and ill-will.

The settlement which we have reached at Cuttack and Nagpur is actuated by these motives, prompted by these consideration and governed by these principles. I have no doubt that it is in the best interests of the Rulers, the people and the country at large. I am particularly grateful to the Rulers of the States who showed a commendable appreciation of the realities of the situation and a benevolent regard for public good. To all of them, undoubtedly the decisions they have taken have involved considerable sacrifice of powers and fortune. They have accepted this sacrifice cheerfully and voluntarily in the interests of their people and the country at large. I am sure their people will react favourably to this generous response to public interests.

Throughout my discussions with the Rulers I was careful to emphasise that the solution which we suggested for the difficult problems with which we and they were equally faced was for them to accept or reject of their own free-will. There was no compulsion save that of events and of the circumstances and peculiar problems of their States. I also told them that in offering this solution we were actuated by nothing but the friendliest disposition towards them and had nothing but the ultimate good of the Princes and their people at heart. I also maintained that their voluntary surrender of most of the powers that they wielded so far would increase and not reduce the prestige that they have enjoyed and would create in the hearts of their people a place of lasting affection and regard which would redound to their glory. I am very glad that they all responded to these sentiments and would ask the people of these States to play their own part and to extend to each one of them unfailing cordiality and unstinted good-will.

In future, if the people of these States have any grievances, they can only be against the popular representatives and leaders who would be charged with their interests and welfare, and not against the Princes.

These Princes have by their act of abnegation purchased in perpetuity their right to claim the devotion of their people. I am sure that very soon the Provincial Governments who would be acting for the Dominion Government in discharging administrative functions in these States will turn their thoughts and energies to ameliorating the conditions of the people and to devising ways and means of associating representatives of States with the fashioning of administrative measures. Let them all realise the stakes involved—some 56,000 square miles of territory with a population of about eight million, a gross revenue of about 2 crores and immense potentialities for the future. It is the undisputable right of the people in these territories to modern amenities of Government which should be the governing consideration in everything that we do for them. It will also be the duty of the people concerned to help and co-operate wholeheartedly with the respective Provincial administrations in this process of unification and amelioration, so that they may derive the full benefit of this great achievement.



**APPENDIX XI****Form of Merger Agreement Signed by Rulers of Orissa and Chattisgarh States**

AGREEMENT made this fourteenth day of December 1947, between the Governor-General of India and the Raja of.....

WHEREAS in the immediate interests of the State and its people, the Raja of ..... is desirous that the administration of the State should be integrated as early as possible with that of the Province of Orissa/C.P. in such manner as the Government of the Dominion of India may think fit:

It is hereby agreed as follows:—

**ARTICLE I.**

The Raja of ..... hereby cedes to the Dominion Government full and exclusive authority jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of January 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

**ARTICLE 2.**

The Raja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of..... rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reasons whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

**ARTICLE 3**

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Raja will furnish to the Dominion Government before the 1st day of January 1948 an inventory of all the immovable property, securities and cash balances held by him as such private property.

"If any dispute arises as to whether any item of property is the private property of the Raja or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

#### ARTICLE 4.

The Raja, the Rani, the Rajmata, the Yuvraja and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State. immediately before the 15th day of August 1947.

#### ARTICLE 5.

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and...

..... Raja of.....  
..... has appended his signature on behalf of himself, his heirs and successors.

.....  
Raja of.....

.....  
Secretary to the Government  
of India. Ministry of States.

NOTE.—Similar form was adopted in the case of the East Punjab States of Pataudi, Dujana and Loharu, and the Madras States of Pudukkottai and Ranganapalle.

**APPENDIX XII****Mayurbhanj Merger Agreement**

AGREEMENT MADE THIS 17th of October 1948 between the Governor-General of India and the Maharaja of Mayurbhanj.

WHEREAS in the best interests of the State of Mayurbhanj as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

AND WHEREAS the Maharaja has accepted the advice given to him by the Dominion Government in this behalf;

IT IS HEREBY AGREED AS FOLLOWS:—

**ARTICLE 1.**

The Maharaja of Mayurbhanj hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 9th day of November 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

**ARTICLE 2.**

The Maharaja shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

**ARTICLE 3.**

The Maharaja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of \*Rs. 3,36,500/- free of all taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of rupees 3,36,500/- shall be paid to the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

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\*Since reduced to Rs. 3,27,400

## ARTICLE 4.

The Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Maharaja will furnish to the Dominion Government before the 17th day of November 1948 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

## ARTICLE 5.

All the members of the Maharaja's family including the Maharani Saheba, Yuvaraja, Yuvarani and Dowager Maharanis shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

## ARTICLE 6.

The Dominion Government guarantees the succession, according to law and customs, to the *gaddi* of the State and to Maharaja's personal rights, privileges, dignities and titles.

## ARTICLE 7.

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Mayurbhanj, against the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

## ARTICLE 8.

(1) The Government of India hereby guarantees either the continuance in-service of the permanent members of the Public Services of Mayurbhanj on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Mayurbhanj is made over to the Government of India or the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by the Maharaja to members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Mayurbhanj is made over to the Government of India.

#### ARTICLE 9.

Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mullath Kadingi Vellodi, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and Flight Lieutenant Maharaja Sir Pratap Chandra Bhanja Deo, Maharaja of Mayurbhanj has appended his signature on behalf of himself, his heirs and successors.

Sd. PRATAP CHANDRA BHANJA DEO,  
Maharaja of Mayurbhanj

Sd. M. K. VELLODI,  
Secretary to the Government of  
India, Ministry of States.

Dated New Delhi, the 17th day of October 1948.

**APPENDIX XIII****1. FORM OF MERGER AGREEMENT SIGNED BY RULERS OF  
GUJARAT AND DECCAN STATES**

AGREEMENT MADE THIS \_\_\_\_\_ day of \_\_\_\_\_  
between the Governor-General of India and the  
of \_\_\_\_\_

WHEREAS in the immediate interests of the State and its people,  
the \_\_\_\_\_ of \_\_\_\_\_ is  
desirous that the administration of the State should be integrated as early  
as possible with that of the Province of \_\_\_\_\_ in  
such manner as the Government of the Dominion of India may think fit;

It is hereby agreed as follows:—

**ARTICLE 1.**

The \_\_\_\_\_ of \_\_\_\_\_ hereby cedes  
to the Dominion Government full and exclusive authority, jurisdiction  
and powers for and in relation to the governance of the State and agrees  
to transfer the administration of the State to the Dominion Government  
on the \_\_\_\_\_ day of \_\_\_\_\_  
1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to  
exercise the said powers, authority and jurisdiction in such manner and  
through such agency as it may think fit.

**ARTICLE 2.**

The \_\_\_\_\_ shall with effect from the said day be  
entitled to receive from the revenues of the State annually for his privy  
purse the sum of \_\_\_\_\_ rupees  
free of taxes. This amount is intended to cover all the expenses of the  
Ruler and his family, including expenses on account of his personal staff,  
maintenance of his residences, marriages and other ceremonies, etc. and  
will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the \_\_\_\_\_ in  
four equal instalments in advance at the beginning of each quarter by  
presenting bills at the State Treasury or at such other Treasury as may  
be specified by the Dominion Government.

## ARTICLE 3.

The \_\_\_\_\_ shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The \_\_\_\_\_ will furnish to the Dominion Government before the \_\_\_\_\_ day of \_\_\_\_\_ 1948 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the \_\_\_\_\_ or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

## ARTICLE 4.

The \_\_\_\_\_ shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State. \_\_\_\_\_ immediately before the 15th day of August 1947.

## ARTICLE 5.

The Dominion Government guarantees the succession, according to law and custom, to the gadi of the State and to the personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and

\_\_\_\_\_ has appended his signature on behalf of himself, his heirs and successors.

of

Dated

Secretary to the Government of India,  
Ministry of States.

**APPENDIX XIV****KOLHAPUR MERGER AGREEMENT**

AGREEMENT MADE THIS 1ST DAY of February 1949 between the Governor General of India and His Highness the Maharaja of Kolhapur.

WHEREAS in the best interests of the State of Kolhapur as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

It is hereby agreed as follows.—

**ARTICLE I**

His Highness the Maharaja of Kolhapur hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of March 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

**ARTICLE II**

His Highness the Maharaja shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

**ARTICLE III**

His Highness the Maharaja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of ten lakhs of rupees free of all taxes. This amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of ten lakhs of rupees shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.



## ARTICLE IV

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharaja will furnish to the Dominion Government before the 15th day of February 1949 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

## ARTICLE V

All the members of His Highness' family including Her Highness the Maharani Sahiba shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th of August 1947.

## ARTICLE VI

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharaja's personal rights, privileges, dignities and titles.

## ARTICLE VII

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Kolhapur, against His Highness the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

## ARTICLE VIII

(1) The Government of India hereby guarantees *either the continuance in service of the permanent members of the Public Service of Kolhapur on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Kolhapur is made over to the Government of India or the payment of reasonable compensation.*

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharaja to members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Kolhapur is made over to the Government of India.

#### ARTICLE IX

Except with the previous sanction of the Government of India, no proceedings, civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Shahaji Chhatrapati Hindupad Padashah, Maharaja of Kolhapur has appended his signature on behalf of himself, his heirs and successors.

SHAHAJI CHHATRAPATI,  
Maharaja of Kolhapur.

V. P. MENON,  
Adviser to the Government of India,  
Ministry of States.

**APPENDIX XV**  
**MINISTRY OF STATES**  
**NOTIFICATION**

*New Delhi, the 19th January 1948*

No. 127-P.—The following Order of the Governor General is published for general information:—

**THE BOMBAY (ENLARGEMENT OF AREA AND ALTERATION OF BOUNDARIES) ORDER, 1947.**

WHEREAS by section 290 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, it is provided that the Governor-General may by order increase the area, and alter the boundaries, of any Province and make such provisions as the Governor-General may deem necessary or proper for any supplementary, incidental or consequential matters;

AND WHEREAS it is expedient that certain areas outside the Dominion of India should be included therein and made part of the Province of Bombay;

AND WHEREAS in accordance with the provisions of the said section 290 the Governor-General has ascertained the views of the Government of the Province of Bombay both with respect of the proposal to make the order and with respect to the provisions to be inserted therein;

NOW THEREFORE in exercise of the powers conferred on him by the said section and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following order:—

1. (1) This Order may be cited as the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947.

(2) It shall come into force at once.

2. (1) The areas specified in the succeeding paragraph are hereby included in the territories of the Dominion of India.

(2) The areas referred to in the preceding paragraph are:

(a) the areas comprised in the Estates which on the first day of July, 1947, were included in the Vatrak Kantha thana of the Baroda, Western India and Gujarat States Agency and were known by the following names:—

(i) Ged, (ii) Polajpur, (iii) Morvad, (iv) Koprurpur, (v) Mahisa,  
 (vi) Porda and (vii) Dana; and

(b) the area known as Dangs.

3. The said areas shall form part of the Province of Bombay and the boundaries of that Province shall be so altered as to comprise within them the said areas.

4. (1) The areas comprised in the Estates of Ged, Polajpur and Morvad shall form part of the district of Ahmedabad, the areas comprised in the Estates of Koprurpur, Mahisa, Porda and Dana shall form part of the district of Kaira, and the said areas shall be administered accordingly.

(2) All enactments in force in any of the aforesaid districts, and all notifications, orders, schemes, rules, forms and bye-laws issued, made or prescribed under such enactments and in force in any of the aforesaid districts, shall extend to and be in force in the areas included in that district by the preceding paragraph.

5 (1) The area known as the Dangs shall for the time being form a separate district of the Province of Bombay and be administered accordingly.

(2) The Governor may, by order notified in the official Gazette of the Province, make such provision as appears to him to be necessary or expedient,

(a) for extending to the said area the application of any laws for the time being in force in the Province or any part thereof;

(b) for removing difficulties arising in connection with the absorption of the said area in the Province; and

(c) generally for the proper administration of the said area.

(3) Any order made under this Article may be made so as to be retrospective to any date not earlier than the date of the commencement of this Order.

(4) Any order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Provincial Legislature.

(5) No order shall be made by the Governor under this Article after the expiration of six months from the date of the commencement of this Order.

MOUNTBATTEN OF BURMA,  
Governor General of India.

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C. C. DESAI, Addl. Secy.

## APPENDIX XVI

## SIROHI MERGER AGREEMENT

AGREEMENT MADE THIS eighth day of November 1948 between the Governor General of India and His Highness the Maharao of Sirohi.

WHEREAS in the best interests of the State of Sirohi as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

AND WHEREAS His Highness the Maharao has accepted the advice given to him by the Dominion Government in this behalf;

IT IS HEREBY AGREED AS FOLLOWS:—

*Article 1*

His Highness the Maharao of Sirohi hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 5th January 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article 2*

His Highness the Maharao shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

*Article 3*

His Highness the Maharao shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Rs. 2,12,600 free of all taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of rupees 2.12 600 shall be paid to His Highness the Maharao in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

*Article 4*

His Highness the Maharao shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharao will furnish to the Dominion Government before the 15th March, 1949 in inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharao or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

*Article 5*

All the members of His Highness' family, including Her Highness Maharani Regent Saheba, shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

*Article 6*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharao's personal rights, privileges, dignities and titles.

*Article 7*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Sirohi, against His Highness the Maharao, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article 8*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public services of Sirohi on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Sirohi is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharao to.

members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Sirohi is made over to the Government of India.

*Article 9*

Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mullath Kadangi Vellodi Secretary to the Government of India in the Ministry of State, has appended his signature on behalf and with the authority of the Governor General of India and Her Highness the Dowager Maharani Krishna Kunwar Ba, President of the Regency Board, Sirohi has appended her signature for and on behalf of His Highness the Minor Maharao of Sirohi, his heirs and successors.

Sd. DOWAGER MAHARANI OF SIROHI,

President of the Regency Board  
Sirohi.

Sd. M. K. VELLODI,

Secretary to the Government of India,  
Ministry of States

*Dated New Delhi, the 8th November, 1948.*

APPENDIX XVII  
GOVERNMENT OF INDIA  
MINISTRY OF LAW  
NOTIFICATION

*New Delhi, the 25th January 1950*

The following Orders made by the Governor-General are published for general information:—

S. O. 34.

THE STATES' MERGER (BOMBAY) ORDER, 1950.

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian State of Sirohi are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of a part of the said State as if it formed part of the adjoining Governor's Province of Bombay;

AND WHEREAS the views of the Government of the said Province have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the States' Merger (Bombay) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

2. In this Order, "merged area" means the area specified in the Schedule to this Order.

3. As from the commencement of this Order the merged area which now forms part of the Indian State of Sirohi shall be administered in all respects as if it formed part of the Province of Bombay; and accordingly, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to the merged area, and any reference in any such Act or Ordinance as aforesaid to the Province of Bombay shall be construed as including the merged area.

4. All laws in force in the merged area immediately before the appointed day shall, as from that day, cease to be in force in that area, and all



laws in force in the District of Banaskantha shall, as from that day, extend to, and be in force in, that area:

Provided that anything done or any action taken under the laws in force in the merged area, before the appointed day, shall be deemed to have been done or taken under the corresponding law, extend to, and be in force in, that area as from the appointed day.

Explanation.—In this article “law” includes any Act, Ordinance or Regulation, and any notification, Order, Schedule, Rule, form or bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

5. The provisions of articles 5 to 10 of the States’ Merger (Governors’ Provinces) Order, 1949, shall apply in relation to the merged area as they apply in relation to a merged State, but subject to the modification that all references therein to “the absorbing Province” and “the appointed day” shall be deemed, respectively, to be references to “the Province of Bombay” and “the date of commencement of this Order”.

6. For the purposes of article II of the States’ Merger (Governors’ Provinces) Order, 1949, the merged area shall be deemed to be included in Schedule II to that Order along with the group of merged States headed by Idar, and the said article shall have effect accordingly.

#### THE SCHEDULE

(See Article 2)

The area comprised in the following villages in the Abu Road and Dilwara Tehsils of the Sirohi State, namely:—

1. Abu Road
2. Kesarganj
3. Akra
4. Manpur
5. Santpur
6. Ganka
7. Khadat
8. Umarni
9. Kui
10. Siawa
11. Sangna
12. Panduri
13. Maval
14. Redwa Mota
15. Dona Kakar
16. Dan Vav
17. Mudarla

18. Kiyara
19. Kiyariya
20. Khara
21. Bhesa Sen
22. Amba
23. Mungthala
24. Mirgarh
25. Adaliya
26. Aval
27. Chandela
28. Girwar
29. Bageri
30. Redwa Chhota
31. Behadurpura
32. Chanar
33. Talvarankanaka
34. Ambaveri
35. Mahikheda
36. Fatehpura
37. Chotila
38. Rokhada
39. Muliya Mahadeo
40. Forest Chotila
41. Chandravati
42. Upli Bor
43. Upla Garh
44. Upla Khejra
45. Kiyariya
46. Tokiya
47. Deri
48. Jambudi
49. Jaydara
50. Taleti
51. Dotra
52. Nichala Garh
53. Nichli Bor
54. Nichala Khejra
55. Pava
56. Buja
57. Bori Buḡ
58. Bosa

59. Dhamariya
60. Men
61. Ranora
62. Rada
63. Surpagala
64. Amthala
65. Od
66. Karoli
67. Kivarli
68. Tunka
69. Derna
70. Tartoli
71. Vasada
72. Morthala
73. Deldar (Jagir)
74. Deldar (Devasthan)
75. Arua
76. Oria
77. Govagam
78. Javai
79. Dhundhai
80. Torna
81. Dilwara
82. Salagam
83. Achalgadh
84. Masgam
85. Sanigam
86. Hetamji
87. Block No. 1 (excluding all that portion to the west of a line drawn from western boundaries of Badarpura, Fatehpura, Malia-khera to south-west point of Block No. 3 and village Masgam).
88. Portion of Block No. 2 on South of the Abu Road.
89. Utraj village Survey Nos. 771 to 785.

C. RAJAGOPALACHARI,  
*Governor-General.*  
 K. V. K. SUNDARAM,  
*Secretary.*

APPENDIX XVIII  
MINISTRY OF STATES  
NOTIFICATION

*New Delhi, the 24th January 1950.*

**No. 20-P.**—WHEREAS the Central Government has full and exclusive extra-provincial jurisdiction for and in relation to the governance of those areas of the State of Sirohi as has not been merged in the Province of Bombay under the States' Merger (Bombay) Order, 1950;

NOW THEREFORE, in the exercise of the powers conferred by sub-section (2) of Section 3 of the Extra-Provincial Jurisdiction Act, 1947 (Act XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to delegate to the Government of the United State of Rajasthan the extra-provincial jurisdiction aforesaid including the power conferred by section 4 of the said Act to make orders for the effective exercise of that jurisdiction.

(Sd.) S. NARAYANSWAMY,  
*Deputy Secretary.*

**APPENDIX XIX****BARODA MERGER AGREEMENT**

AGREEMENT MADE THIS twentyfirst day of March 1949 between the Governor General of India and His Highness the Maharaja of Baroda.

WHEREAS in the best interests of the State of Baroda as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

IT IS HEREBY AGREED AS FOLLOWS:—

*Article I*

His Highness the Maharaja of Baroda hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of May 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article II*

His Highness the Maharaja shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

*Article III*

His Highness the Maharaja shall with effect from the said day be entitled to receive from the revenues of the State annually for his Privy Purse the sum of Rs. 26,50,000 (Rupees Twenty six lakhs and fifty thousand only) free of all taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his secretariat and personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever:

Provided that the sum specified above shall be payable only to the present Ruler of the State of Baroda and not to his successors for whom provision will be made subsequently by the Government of India.

The Government of India undertakes that the said sum of Rupees Twentysix lakhs and fifty thousand shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

*Article IV*

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharaja will furnish to the Dominion Government before the 31st day of March 1949 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

*Article V*

All the members of His Highness' family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

*Article VI*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharaja's personal rights, privileges, dignities and titles.

*Article VII*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Baroda, against His Highness the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article VIII*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Baroda on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Baroda is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharaja to

members of the public services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Baroda is made over to the Government of India.

### *Article IX*

Except with the previous sanction of the Government of India, no proceedings, civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor General of India and His Highness Farzand-i-Khas-i-Daulat-i-Inglishia Maharaja Sir Pratap Singh Gaekwar Sena Khas Khel Shamsheer Bahadur, G.C.I.E., Maharaja of Baroda has appended his signature on behalf of himself; his heirs and successors.

(Sd.) PRATAP SINGH GAEKWAR,  
Maharaja of Baroda.

(Sd.) V. P. MENON,  
Adviser to the Govt. of India, Ministry of States.

*New Delhi on 21st March 1949.*

## APPENDIX XX

## SANDUR MERGER AGREEMENT

AGREEMENT MADE THIS First day of April 1949 between the Governor-General of India and the Raja of

## SANDUR STATE

WHEREAS in the best interests of the State of Sandur as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

It is hereby agreed as follows:—

*Article 1.*

The Raja of Sandur State hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of April 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article 2.*

The Raja of Sandur shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of ninetythousand rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

*Article 3.*

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State property) belonging to him on the date of this agreement, and specified in the schedule hereunto appended.



Article 4.

The Raja, the Rani, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

Article 5.

The Dominion Government guarantees the succession, according to law and custom, to the gadi of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mullath Kadingi Vellodi Secretary to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor-General of India and Raja Shrimant Yeshwantarao Rao Sahib, Hindu Rao Ghorpade, Raja of Sandur State has appended his signature on behalf of himself, his heirs and successors.

(Sd.)

Raja of Sandur State.

(Sd.) M. K. VELLODI,

Secretary to the Government of India,  
Ministry of States.

Dated 1st April 1949.

## APPENDIX XXI

**TEHRI-GARHWAL MERGER AGREEMENT**

AGREEMENT MADE THIS 18th day of May 1949 between the Governor General of India and the Maharaja of Tehri-Garhwal.

WHEREAS in the immediate interests of the State and its people, the Maharaja of Tehri-Garhwal is desirous that the administration of the State should be integrated as early as possible with that of the United Provinces in such manner as the Government of the Dominion of India may think fit;

It is hereby agreed as follows:—

*Article 1*

The Maharaja of Tehri-Garhwal hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the first day of August, 1949 (hereinafter referred to as "the day").

As from the said day, the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article 2*

The Maharaja, his heirs and successors, shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of three lakhs of rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Maharaja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

*Article 3*

The Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Maharaja will furnish to the Dominion Government before the 30th June, 1949, an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Maharaja or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

#### *Article 4*

The Maharaja, the Maharani, H. H. Maharaja N. Shah, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

#### *Article 5*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to Maharaja's personal rights, privileges, dignities and titles.

#### *Article 6*

No enquiry shall be made by or under the authority of the Government of India and no proceedings shall lie in any court against the Maharaja whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

#### *Article 7*

(1) The Government of India hereby guarantees either the continuance in service of the permanent members of the Public Services of Tehri-Garhwal on conditions which will be not less advantageous than those on which they were serving on the first day of May, 1949, or the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by the Maharaja to members of the Public Services of the State and of the Tehri-Garhwal State Forces who have retired or proceeded on leave preparatory to retirement and also guarantees grant of pensions, gratuities and leave earned by and due to the members of the aforesaid Public Services of the State and of the Tehri-Garhwal State Forces.

*Article 8.*

Except with the previous sanction of the Government of India no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the said day.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Maharaja Manabendra Shah, Maharaja of Tehri-Garhwal has appended his signature on behalf of himself, his heirs and successors.

Maharaja of Tehri-Garhwal State.

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V. P. MENON,  
Adviser to the Govt. of India,  
Ministry of States.

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*Dated the 18th May 1949.*

## APPENDIX XXII

**BENARES MERGER AGREEMENT**

AGREEMENT MADE THIS 5th day of September 1949 between the Governor General of India and His Highness the Maharaja of Benares.

WHEREAS in the immediate interests of the State and its people, His Highness the Maharaja of Benares is desirous that the administration of the State should be integrated as early as possible with that of the United Provinces in such manner as the Government of the Dominion of India may think fit;

It is hereby agreed as follows:—

*Article 1*

The Maharaja of Benares hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 15th day of October 1949, (hereinafter referred to as "the said day").

As from the said day, the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article 2*

The Maharaja, his heirs and successors shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Rupees 2,80,000 free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Maharaja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

*Article 3*

The Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Maharaja will furnish to the Dominion Government before the 5th September, 1949, an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Maharaja or State property it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

#### *Article 4*

The Maharaja and his family shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

#### *Article 5*

The Dominion Government guarantees the succession according to law and customs, to the *gaddi* of the State and to the Maharaja's personal rights, privileges, dignities and titles.

#### *Article 6*

No enquiry shall be made by or under the authority of the Government of India and no proceedings shall lie in any court against the Maharaja whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under authority during the period of his administration of that State.

#### *Article 7*

(1) The Government of India hereby guarantees either the continuance in service of the permanent members of the Public Services of Benares on conditions which will be not less advantageous than those on which they were serving on the first day of August 1949 or the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by the Maharaja to members of the Public Services of the State and of the Benares State Forces who have retired or proceeded on leave preparatory to retirement and also guarantees grant of pensions, gratuities and leave earned by and due to the members of the aforesaid Public Services of the State and of the Benares State Forces.

*Article 8*

Except with the previous sanction of the Government of India no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the said day.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Maharaja Vibhuti Narain Singh, Maharaja of Benares, has appended his signature on behalf of himself, his heirs and successors.

VIBHUTI NARAIN SINGH,

Maharaja of Benares.

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V. P. MENON,

Adviser to the Government of India,

Ministry of States.

## APPENDIX XXIII

**RAMPUR MERGER AGREEMENT**

AGREEMENT made this fifteenth day of May, between the Governor-General of India and the Nawab of Rampur.

WHEREAS in the best interests of the State of Rampur as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

AND WHEREAS the Nawab has accepted the advice given to him by the Dominion Government in this behalf.

It is hereby agreed as follows:—

*Article 1*

The Nawab of Rampur hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of July 1949 (hereinafter referred to as "the said day").

As from the said day, the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article 2*

The Nawab shall continue to enjoy the same personal rights, privileges, immunities, dignities and titles which he would have enjoyed had this agreement not been made.

*Article 3*

The Nawab shall with effect from the said day be entitled to receive for his life-time from the revenues of the State annually for his privy purse the sum of rupees seven lacs free of all taxes. After him the privy purse will be fixed at rupees six lacs and sixty thousand. This amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of rupees seven lacs shall be paid to the Nawab in four equal instalments in advance at the beginning of each quarter from the State Treasury or at such other Treasury as may be specified by the Government of India.



*Article 4*

The Nawab shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Nawab will furnish to the Dominion Government before the 30th June 1949 an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Nawab or State property, it shall be referred to a judicial officer nominated by the Government of India and the decision of that officer shall be final and binding on both parties.

*Article 5*

All the members of the Nawab's family including his consorts and children shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

*Article 6*

The Dominion Government guarantees the succession according to law and custom to the *gaddi* of the State and to Nawab's personal rights, privileges, immunities, dignities and titles.

*Article 7*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court, against the Nawab, whether in a personal capacity or otherwise in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article 8*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Rampur on conditions which will be not less advantageous than those on which they were serving on the 1st of May, 1949, or the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by the Nawab to members of the Public Services of the State and of the Rampur State Forces who have retired or proceeded on leave preparatory to retirement and also guarantees

the grant of pensions, gratuities and leave earned by and due to the members of the aforesaid Public Services of the State and of the Rampur State Forces.

### *Article 9*

Except with the previous sanction of the Government of India no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Governor-General of India and Nawab Sir Syed Raza Ali Khan has appended his signature on behalf of himself, his heirs and successors.

RAZA ALI KHAN,  
Nawab of Rampur.

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V. P. MENON,  
Adviser to the Government of India,  
Ministry of States.

*Dated, New Delhi, the 15th May, 1949.*

## APPENDIX XXIV

### COOCH BEHAR MERGER AGREEMENT

AGREEMENT MADE THIS twenty-eighth day of August 1949 between the Governor General of India and His Highness the Maharaja of Cooch Behar.

WHEREAS in the best interests of the State of Cooch Behar as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

IT IS HEREBY AGREED as follows:—

#### *Article 1*

His Highness the Maharaja of Cooch Behar hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 12th day of September 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

#### *Article 2*

His Highness the Maharaja shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

#### *Article 3*

His Highness the Maharaja shall with effect from the said day be entitled to receive for his life-time from the revenues of the State annually for his privy purse the sum of Rupees eight lakhs fifty thousand free of all taxes. After him the privy purse will be fixed at Rupees seven lakhs only. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of Rupees eight lakhs fifty thousand shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State Treasury or at such Treasury as may be specified by the Government of India.

*Article 4*

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharaja will furnish to the Dominion Government before the 15th September 1949, an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

*Article 5*

All the members of His Highness' family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

*Article 6*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharaja's personal rights, privileges, dignities and titles.

*Article 7*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Cooch Behar, against His Highness the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article 8*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Cooch Behar on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Cooch Behar is made over to the Government of India or the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharaja to

servants of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Cooch Behar is made over to the Government of India.

### Article 9

Except with the previous sanction of the Government of India no proceedings, civil and criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor General of India and Lieutenant Colonel His Highness Maharaja Jagaddipendra Narayan Bhuj Bahadur, Maharaja of Cooch Behar, has appended his signature on behalf of himself, his heirs and successors.

JAGADDIPENDRA NARAYAN,  
Maharaja of Cooch Behar.

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V. P. MENON,  
Adviser to the Government  
of India, Ministry of States.

## APPENDIX XXV

INSTRUMENT OF ACCESSION OF (the Khasi Hill States mentioned in the statement attached).

We the rulers of the Khasi States specified below;

Having agreed to the establishment of a Federation of which all the said Khasi States are members;

And being desirous of acceding to the Dominion of India, individually as Rulers of the said Khasi States and collectively as members of the said Federation;

Do hereby declare that we accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority shall, by virtue of this our Instrument of Accession, but subject always to the terms thereof, and for purposes only of the Dominion, exercise in relation to the said Khasi States such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. WE hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the said Khasi States so far as they are applicable therein by virtue of this our Instrument of Accession

3. SUBJECT to the provisions of the annexed Agreement (which shall be regarded as part of this our Instrument of Accession) we accept that the Dominion Legislature may make laws for the said Khasi States in respect of any matter.

(Signed by the Siems of the  
Khasi Hill States on the dates  
shown in the statement attached.).

I do hereby accept this Instrument of Accession.

Dated this seventeenth day of August, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,  
Governor General of India,

Statement showing the list of Khasi Hill States which have signed the Instrument of Accession, the date of execution of the Instrument and the date of its acceptance by the Governor-General.

S. No.	Name of the State	Date of execution of the Instrument of Accession	Date of acceptance by the Governor-General
1	Khyrium State . . . . .	15-12-47	17-3-48
2	Mylliem State . . . . .	Do.	Do.
3	Cherra State . . . . .	Do.	Do.
4	Nongstein State . . . . .	19-3-48	Do.
5	Rambrai State . . . . .	17-3-48	Do.
6	Myriam State . . . . .	..	Do.
7	Mobosohphoh State . . . . .	11-1-48	Do.
8	Nongspung State . . . . .	..	Do.
9	Nongkhlaw State . . . . .	15-12-47	Do.
10	Bhowal State . . . . .	Do.	Do.
11	Jirang State . . . . .	Do.	Do.
12	Makaram State . . . . .	Do.	Do.
13	Mawasynram State . . . . .	Do.	Do.
14	Langrin State . . . . .	Do.	Do.
15	Mawrang State . . . . .	Do.	Do.
16	Malai Sohmat State . . . . .	Do.	Do.
17	Mawphlang State . . . . .	Do.	Do.
18	Sohiong State . . . . .	Do.	Do.
19	Lyniong State . . . . .	Do.	Do.
20	Shella Confederacy . . . . .	Do.	Do.
21	Mawlong State . . . . .	10-3-48	Do.
22	Nonglwai State . . . . .	15-12-47	Do.
23	Pamsanugut State . . . . .	15-12-47	Do.
24	Mawdon State . . . . .	Do.	Do.
25	Dwara Nongtynmen State . . . . .	Do.	Do.

## APPENDIX XXVI

### AGREEMENT EXECUTED BY THE FEDERATION OF KHASI STATES

1. The Federation of Khasi States, hereinafter referred to as 'the Federation', agrees that all existing administrative arrangements between the Dominion of India and the Province of Assam on the one hand and the Khasi States on the other hand shall, with the exceptions noted below, continue in force until new or modified arrangements have been arrived at between the respective authorities concerned.

2. The exceptions referred to above will be as follows:—  
Judicial Powers—

- (a) The Federation will set up a competent Court of the Federation to exercise the judicial functions formerly vested in the Political Officer.
- (b) In matters of customary law there will be no appeal from the Court of the Federation. In other cases, as at present, an appeal will lie to the Governor until a High Court of Assam is established when such appeal will lie to the Assam High Court.
- (c) The judicial authority now exercised by State Courts in respect of Khasis will be maintained.
- (d) In regard to all non-Khasis the judicial arrangements now existing will continue for the present except that the judicial powers of the Political Officer will be vested in the Court of the Federation when its competence is recognised. Where non-Khasis have voluntarily agreed to submit to the jurisdiction of a State Court that Court will continue to be the original trying court.
- (e) Where State Courts comply with certain conditions to be laid down they may be vested with First, Second or Third Class Powers as defined in the Criminal Procedure Code and their jurisdiction would then include both Khasis and non-Khasis. The appointment of magistrates to the States' Courts and to the Court of Federation will be subject to the approval of the Governor in regard to their judicial competence. The Chief Justice of the Assam High Court, when established, will assume this power now vested in the Governor.



### Administrative Powers—

With the exception of the following three subjects all the remaining administrative functions would be common with the Central or Provincial Government under the terms of the standstill arrangement outlined in paragraph 1 above.

*Exceptions.*—1. Excise—Subject to agreement with the Provincial Government regarding the fixing of duty, etc.

2. Forests—The Chief Conservator would act in an advisory capacity to the Federation in regard to the management and control of the Forests.

3. Land and water rights and the revenue derived therefrom.

### 3. Revenue—

The member States of the Federation have agreed that the balance of the Khasi States Deposit Account should be handed over to the Federation and that future payments to this Deposit Account should also be made over to the Federation until fresh arrangements have been reached in regard to the contributions to be paid to the Federation by individual States.

### 4. Khasi Territory in the Province—

The Federation request that all possible help should be given to facilitate the unification of all Khasi territory.

All Khasi villages which desired to rejoin States of which they had formerly formed a part should be allowed to do so.

Other Khasi territory in the Province should, if they desired, be allowed to join the Federation as units.

### 5. Legislation—

In matters of legislation concerning subjects of common interest passed by the Assam Legislature there should be some machinery either by representation in that Legislature or otherwise set up whereby the legislation, where necessary, can be adopted or modified to suit the conditions and circumstances existing in the Khasi Hill.

## APPENDIX XXVII

AGREEMENT made this                      day of March, 1949 between the  
Governor-General of India and                      of

WHEREAS the \_\_\_\_\_ of \_\_\_\_\_ is desirous in the best interest of the said State and its people that the Government of India should take over as early as possible the administration of the said State and integrate its territories with the territories of other East Punjab Hill States so as to consolidate these territories in one administrative Unit:

AND WHEREAS it is the intention of the Government of India to unite and integrate the territories of the East Punjab Hill States in one Centrally administered Unit and to provide, as soon as practicable and subject to the provisions of the Constitution of India, for its administration through a Lieutenant-Governor, with an Advisory Council consisting of three Rulers of the East Punjab Hill State and a local Legislature with such constitution, functions and powers as the Government of India may from time to time specify;

It is hereby agreed as follows:—

## Article 1

The \_\_\_\_\_ of \_\_\_\_\_ hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the \_\_\_\_\_ day of March 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

## Article 2

The \_\_\_\_\_ shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of \_\_\_\_\_ rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, ~~including expenses~~ on account of his personal staff, maintenance of his:

residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

### Article 3

The \_\_\_\_\_ shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The \_\_\_\_\_ will furnish to the Dominion Government before the 25th day of April 1948 an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Raja or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

## Article 4

The \_\_\_\_\_ shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

## Article 5

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and of \_\_\_\_\_ has appended his signature on behalf of himself, his heirs and successors.

*Dated*                      *March 194* .

**Secretary to the Government of India,  
Ministry of States.**

## APPENDIX XXVIII

### BILASPUR MERGER AGREEMENT

AGREEMENT made this Fifteenth Day of August, 1948 between the Governor-General of India and the Raja of Bilaspur (Kahlur).

WHEREAS in the best interests of the State of Bilaspur and its people it is desirable to provide for the administration of the said State by or under the authority of the Government of the Dominion of India;

AND WHEREAS in view of the location of the contemplated Bhakra Dam in the said State it is the intention of the said Government to administer the said State as a separate Unit;

It is hereby agreed as follows:—

#### *Article 1*

The Raja of Bilaspur hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the twelfth day of October, 1948 (hereinafter referred to as 'the said day').

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

#### *Article 2*

The Raja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of 70,000 rupees free of taxes. This amount includes the sum of 10,000 rupees as the allowance of the Yuvraj and is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter.

#### *Article 3*

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Raja will furnish to the Dominion Government before the 15th October, 1948, an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Raja or State property it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that Officer shall be final and binding on both parties

#### *Article 4*

The Raja, the Rani, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

#### *Article 5*

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Panguuni Menon, Secretary to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor-General of India and Raja Sri Anand Chand, Raja of Bilaspur, has appended his signature on behalf of himself, his heirs and successors.

ANAND CHAND,

*Raja of Bilaspur.*

V. P. MENON,

*Secretary to the Government of India,  
Ministry of States.*

*Dated, the 15th August, 1949.*

## APPENDIX XXIX

### KUTCH MERGER AGREEMENT

AGREEMENT MADE THIS Fourth day of May 1948 between the Governor General of India and His Highness the Maharao of Kutch.

WHEREAS in the best interests of the State of Kutch as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

AND WHEREAS His Highness the Maharao has accepted the advice given to him by the Dominion Government in this behalf;

IT IS HEREBY AGREED, as follows:—

#### *Article 1*

His Highness the Maharao of Kutch hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of June 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

#### *Article 2*

His Highness the Maharao shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

#### *Article 3*

His Highness the Maharao shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Eight Lakhs of rupees free of all taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of rupees Eight Lakhs shall be paid to His Highness the Maharao in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

*Article 4*

His Highness the Maharao shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharao will furnish to the Dominion Government before the 1st day of June 1948 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharao or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties.

*Article 5*

All the members of His Highness family including Her Highness the Maharani Saheba, the Rajmata, the Yuvaraja and the Yuvarani shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

*Article 6*

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to His Highness the Maharao's personal rights, privileges, dignities and titles.

*Article 7*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Kutch, against His Highness the Maharao, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article 8*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public services of Kutch on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Kutch is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharao to

members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Kutch is made over to the Government of India.

*Article 9*

Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Maharaja Dhiraja Mirza Maharao Shri Madan Sinhji Sawai Bahadur, Maharao of Kutch has appended his signature on behalf of himself, his heirs and successors.

MADAN SINGHI,

*Maharao of Kutch.*

V. P. MENON,

*Secretary to the Government of India,*

*Ministry of States.*

*Dated New Delhi, the 4th May 1948.*



## APPENDIX XXX

### Bhopal Merger Agreement

AGREEMENT made this 30th day of April, 1949 between His Excellency the Governor-General of India and His Highness the Nawab of Bhopal.

WHEREAS in the immediate interests of the State of Bhopal and its people and for diverse other reasons it is agreed by and between the above-named parties that the administration of the State of Bhopal (hereinafter called "the State") shall be taken over and carried on by the Government of India and that, for a period of five years next after the date of transfer the State will be administered as a Chief Commissioner's Province:

AND WHEREAS it is further agreed that on expiry of this period of five years the future administrative arrangements of the State may have to be reviewed but without prejudice to the ownership and other rights secured to the Nawab under this Agreement at the said date of transfer:

IT IS HEREBY AGREED as follows:—

#### *Article I*

The Nawab of Bhopal hereby cedes to the Government of India full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Bhopal State and agrees to transfer the administration of the State to that Government on the First day of June 1949 (referred to in this Agreement as "the date of transfer").

#### *Article II*

The Nawab shall be entitled to all the personal rights, privileges, immunities and dignities enjoyed by him as the Ruler of Bhopal, whether within or without the State, immediately before the 15th August, 1947.

#### *Article III*

(1) The present Nawab shall, with effect from the date of transfer, be entitled to receive from the Government of India for his privy purse a sum of rupees eleven lakhs per annum free of all taxes; and each of his successors shall, with effect from the date of succession, be entitled to receive from the Government of India for his privy purse a sum of rupees nine lakhs per annum free of all taxes.

(2) The sum provided to be paid to the Nawab and after him to his successors in para. (1) of this Article is intended to cover all the expenses of the Nawab and his family including expenses on account of his personal

staff, maintenance of his residences, and marriages and other ceremonies, and will neither be increased nor decreased by the Government of India for any reason whatsoever.

(3) The amount of privy purse provided in paragraph (1) of this Article shall be paid in four equal instalments in advance at the beginning of each quarter of the year into such bank account as may be specified by the Nawab in this behalf.

#### *Article IV*

The income derived annually from the share of the Nawab in the original investment by Qudsia Begum in the Bhopal State Railway, which share is now agreed to be Rupees five lakhs and fifty five thousand, shall be treated as the personal income of the Nawab and shall be paid by the Government of India to the Nawab and his successors.

#### *Article V*

(1) The Nawab shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him immediately before the date of transfer.

(2) As inventory of all the immovable property, securities and cash balances held by the Nawab as such private property immediately before the date of transfer will be prepared and agreed upon between the Government of India and the Nawab, and such inventory shall be final and shall not be called into question.

#### *Article VI*

All the members of the Nawab's family shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August 1947.

#### *Article VII*

(1) The Government of India agree that the succession to the Throne of Bhopal State shall be governed by and regulated in accordance with the provisions of the Act known as "the Succession to the Throne of Bhopal Act of 1947" and at present in force in the State.

(2) The Government of India further agree that all the rights and privileges secured by this Agreement to the Nawab shall be continued to his successor.

#### *Article VIII*

No enquiry shall be made, no proceedings shall lie, and no action shall

be taken, against the Nawab, whether in his personal capacity or otherwise, in respect of anything done by or under his authority during the period of his administration of the State.

#### *Article IX*

(1) The Government of India agree to continue in service all permanent members of the public services of the State on conditions which will not be less advantageous than those on which they were serving at the date of transfer, and if for any reason reduction of staff is found necessary to pay reasonable compensation to those affected on terms not less advantageous than in accordance with the rules of the State existing at the date of transfer.

(2) The Government of India guarantee the continuance of all pensions and leave salaries, sanctioned by competent authority of the State to members of the public services of the State who have retired or proceeded on leave preparatory to retirement and the payment of compassionate allowances granted before the date of transfer to dependants of the deceased members of those services.

#### *Article X*

No action shall be taken, and no proceedings, civil or criminal, shall be instituted, against any person in respect of any act in good faith done or omitted to be done in the execution of his duty as a servant of the State before the date of transfer.

IN CONFIRMATION WHEREOF, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor-General of India and His Highness the Nawab of Bhopal has appended his signature on behalf of himself, his heirs and successors.

M. HAMIDULLAH,  
*Nawab of Bhopal.*

V. P. MENON,  
*Adviser to the Government of India,  
Ministry of States.*

## APPENDIX XXXI

### TRIPURA MERGER AGREEMENT

AGREEMENT made this the ninth day of September, 1949, between the Governor-General of India and His Highness the Maharaja of Tripura.

WHEREAS in the best interests of the State of Tripura as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government:—

IT is hereby agreed as follows:

#### *Article I.*

The Maharaja of Tripura hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the fifteenth day of October, 1949 (hereinafter referred to as 'the said day').

As from the said day the Dominion Government will be competent to exercise the said powers, authority, and jurisdiction in such manner and through such agency as it may think fit.

#### *Article II*

The Maharaja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Rupees Three lakhs and Thirty Thousand only free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

#### *Article III.*

The Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Maharaja will furnish to the Dominion Government before the 10th October 1949, an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Maharaja or State property it shall be referred to a judicial Officer qualified to be appointed as High Court Judge, and the decision of that Officer shall be final and binding on both parties.

#### *Article IV.*

The Maharaja shall be entitled to all the personal rights, privileges, immunities and dignities enjoyed by him as the Ruler of Tripura, whether within or without the State, immediately before the 15th August 1947.

#### *Article V.*

All the members of the Maharaja's family including Her Highness the Rajmata shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August 1947.

#### *Article VI.*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to the Maharaja's personal rights, privileges, dignities and titles.

#### *Article VII.*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court of Tripura, against His Highness the Maharaja or Her Highness the Maharani Regent whether in a personal capacity or otherwise, in respect of any thing done or omitted to be done by them under their authority during the period of the Regency administration of the State.

#### *Article VIII.*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Tripura on conditions which will be no less advantageous than those on which they were serving before the date on which the administration of Tripura is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by the Government of His Highness the Maharaja to members of the Public Services of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Tripura is made over to the Government of India.

*Article IX.*

Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Governor General of India and Her Highness Maharani Kanchan Prabha Devi, Maharani Regent of Tripura, has appended her signature on behalf of His Highness Maharaja Manikya. Kirit Bikram Kishore Dev Barman Bahadur, the minor Ruler of Tripura, his heirs and successors.

KANCHAN PRABHA DEVI,

*Maharani Regent Tripura State.*

V. P. MENON,

*Adviser to the Government of India,*

*Ministry of States.*

*Dated New Delhi, the 9th September 1949.*

## APPENDIX XXXII

### MANIPUR MERGER AGREEMENT

AGREEMENT made this twentyfirst day of September 1949 between the Governor General of India and His Highness the Maharaja of Manipur.

WHEREAS in the best interests of the State of Manipur as well as of the Dominion of India it is desirable—to provide for the administration of the said State by or under the authority of the Dominion Government:

IT IS HEREBY AGREED as follows:—

#### *Article I*

His Highness the Maharaja of Manipur hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the fifteenth day of October 1949 (hereinafter referred to as “the said day”).

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

#### *Article II*

His Highness the Maharaja shall continue to enjoy the same personal rights, privileges, dignities, titles, authority over religious observances, customs, usages, rites and ceremonies and institutions incharge of the same in the State, which he would have enjoyed had this agreement not been made.

#### *Article III*

His Highness the Maharaja shall with effect from the said day be entitled to receive for his life-time from the revenues of the State annually for his Privy Purse the sum of Rupees three lakhs free of all taxes.

This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff and armed guards, maintenance of his residences, marriages and other ceremonies, etc. and the allowances to the Ruler's relations who on the date of execution of this agreement were in receipt of such allowances from the revenues of the State, and will neither be increased nor reduced for any reason whatsoever;

The Government of India undertake that the said sum of Rupees three lakhs shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State treasury or at such other treasury as may be specified by the Government of India.

#### *Article IV.*

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharaja will furnish to the Dominion Government before the first January 1950 an inventory of all the immovable property, securities and cash balance held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial Officer qualified to be appointed as a High Court Judge, and the decision of that officer shall be final and binding on both parties;

Provided that His Highness the Maharaja's right to the use of the residences known as "Redlands" and "Les Chatalettes" in Shillong, and the property in the town of Gauhati known as "Manipuri Basti" shall not be questioned.

#### *Article V*

All the members of His Highness' family shall be entitled to all the personal rights, privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th August 1947.

#### *Article VI*

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharaja's personal rights, privileges, dignities, titles, authority over religious observances, customs, usages, rites and ceremonies and institutions incharge of the same in the State.

#### *Article VII*

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court in Manipur, against His Highness the Maharaja whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.



*Article VIII*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Manipur on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of Manipur is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharaja to servants of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Manipur is made over to the Government of India.

(3) The Government of India also undertake to make suitable provisions for the employment of Manipur—is in the various branches of Public Services, and in every way encourage Manipuris to join them. They also undertake to preserve various laws, customs and conventions prevailing in the State pertaining to the social, economic and religious life of the people.

*Article IX.*

Except with the previous sanction of the Government of India no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor General of India and His Highness Maharaja Bodh Chandra Singh, Maharaja of Manipur has appended his signature on behalf of himself, his heirs and successors.

BODH CHANDRA SINGH,

*Maharaja of Manipur.*

V. P. MENON,

*Adviser to the Government of India,*

*Ministry of States.*

SRI PRAKASA,

*Governor of Assam*

*Shillong, September 21, 1949.*

## APPENDIX XXXIII

### VINDHYA PRADESH MERGER AGREEMENT

AGREEMENT made this 26th day of December 1949 between the Governor General of India and the Rulers of the States forming the United State of Vindhya Pradesh.

WHEREAS in March 1948 the Rulers of certain States in Bundelkhand and Baghelkhand entered into a Covenant whereby they agreed to unite and integrate the territories of their States into one State by the name of the United State of Vindhya Pradesh;

AND WHEREAS for divers reasons the administration of the said territories could not be conducted in the manner contemplated in the said Covenant;

AND WHEREAS the parties to the present agreement are convinced that a proper administration of the said territories could only be secured by leaving it to be provided by the Government of India in such manner as it may think fit;

IT is hereby agreed as follows:—

#### *Article I*

As from the first day of January, 1950, the Covenant entered into in March 1948 by the Rulers of certain States in Bundelkhand and Baghelkhand for the formation of the United State of Vindhya Pradesh (hereinafter referred to as "the Covenant") shall stand abrogated.

#### *Article II*

As from the aforesaid day, the United State of Vindhya Pradesh shall cease to exist, and all the property, assets and liabilities of that State, as well as its rights, duties and obligations, shall be those of the Government of India.

#### *Article III*

The Ruler of each of the States specified in the Schedule to this agreement (hereinafter referred to as "the Covenanting States") hereby cedes to the Government of India, with effect from the aforesaid day, full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of that State; and thereafter the Government of India shall be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

*Article IV*

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the Government of India for his privy purse the amount specified against that Covenanting State in the Schedule to this Agreement.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on account of personal staff, maintenance of his residences, marriages and other ceremonies, etc., and shall neither be increased nor reduced for any reason whatsoever.

(3) The said amount shall be free of all taxes and shall be paid in four equal instalments in advance at the beginning of each quarter.

*Article V*

The Ruler of each Covenanting State, as also the members of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of that State, immediately before the 15th day of August 1947.

*Article VI*

The Government of India guarantees the succession, according to law and custom, to the *gaddi* of each Covenanting State, and to the personal rights, privileges, dignities and titles of the Ruler thereof.

*Article VII*

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh in pursuance of the Covenant.

(2) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to a judicial officer to be nominated by the Government of India, and the decision of that officer shall be final and binding on all parties concerned.

*Article VIII*

No inquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any Court, against the Ruler of any Covenanting State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article IX*

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of the United State of Vindhya Pradesh on conditions which will not be less advantageous than those on which they were serving on 1st December 1949, or the payment of reasonable compensation or retirement on proportionate pension.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in the United State of Vindhya Pradesh to members of Public Services of that State who have retired or proceeded on leave preparatory to retirement before the date referred to in paragraph (1) of this Article.

(3) The Government of India hereby reaffirms the guarantees given by the United State of Vindhya Pradesh in paragraphs (1) and (2) of Article XV of the Covenant establishing that State.

*Article X*

Except with the previous sanction of the Government of India no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purported to be done in the execution of his duties as a servant of any Covenanting State before the date on which the administration thereof was made over to the Raj Pramukh in pursuance of the Covenant.

*Article XI*

The Ruler of Rewa has entered into this Agreement both as the Ruler of the Covenanting State of Rewa and as the Raj Pramukh of the United State of Vindhya Pradesh.

*The Schedule*

## COVENANTING STATES AND PRIVY PURSE AMOUNTS

*Part A—Salute States*

	Rs.
1. Ajaigarh	74,700
2. Baoni	46,850
3. Baraundha	14,500
4. Bijawar	70,700
5. Chhatrapur	1,00,350
6. Charkhari	93,800

*Part A—Salute States—contd.*

	Rs.
7. Datia	1,54,800
8. Maihar	53,500
9. Nagod	55,400
10. Orchha	1,35,600
11. Panna	1,47,800
12. Rewa	10,00,000
13. Samthar	51,800

*Part B—Non-Salute States*

1. Alipura	28,150
2. Banka Pahari	3,000
3. Beri	7,750
4. Bhaisaunda	5,600
5. Bihat	5,600
6. Bijna	3,000
7. Dhurwai	5,000
8. Garrauli	10,050
9. Gaurihar	15,000
10. Jaso	8,600
11. Jigni	5,950
12. Kamta Rajaula	5,000
13. Khaniadhana	15,600
14. Kothi	15,400
15. Lugasi	10,100
16. Naigawan Rebai	5,000
17. Pahra	5,800
18. Paldeo (Nayagaon)	10,400
19. Sarila	18,650
20. Sohawal	25,900
21. Taraon	5,850
22. Tori Fatehpur	7,000

In confirmation whereof Mr. Vapa! Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf of, and with the authority of, the Governor-General of India, and the Rulers of the Covenanting States have appended their signatures on behalf of themselves, their heirs and successors.

*Rulers of Vindhya Pradesh.*

V. P. MENON,  
*Secretary Ministry of States.*

## APPENDIX XXXIV

### The Covenant entered into by the Rulers of Kathiawar States for the formation of the United State of Kathiawar

We, the Rulers of certain States in Kathiawar,

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a state comprising the territories of the numerous States, Estates and Talukas in Kathiawar with a common Executive, Legislature and Judiciary,

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for that State within the framework of the Constitution of India to which we have already acceded, and of this Covenant,

Do HEREBY, with the concurrence and guarantee of the Government of India, enter into the following COVENANT—

#### *Article I*

In this Covenant,—

- (a) "Covenanting State" means any of the States mentioned in Schedule I the Ruler of which has, whether by himself or by a duly authorised representative, signed this Covenant;
- (b) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I;
- (c) "Covenanting Non-Salute State" means any Covenanting State which is mentioned in Part B of Schedule I; and
- (d) unless there is anything repugnant in the subject or context, references to the Ruler of a State, or the Talukdar of a Taluka, include any person or persons for the time being exercising the powers of the Ruler or Talukdar whether by reason of his minority or for any other reason.

#### *Article II*

(1) The Covenanting States agree—

STATE OF KATHIAWAR"; and

(a) to unite and integrate their territories in one State, with a common executive, legislature and judiciary, by the name of "THE UNITED

(b) to include in the United State so established, any other State, Taluka or Estate the Ruler or Talukdar of which agrees, with the approval

of the Government of India, to the merger of that State, Taluka or Estate in the United State of Kathiawar.

(2) The terms of all the agreements of merger referred to in clause (b) of paragraph (1) of this Article shall be binding on the United State and shall be deemed to be part of this Covenant.

### *Article III.*

(1) There shall be a Council of the Rulers of the Covenanting Salute States.

(2) There shall be a Presidium consisting of five members, each of whom shall be the Ruler of a Covenanting State and shall be not less than 21 years of age.

(3) Subject to the condition mentioned in paragraph (2) of this Article, the Rulers of Nawanagar and Bhavnagar shall be permanent members of the Presidium, one member shall be elected from among themselves by the Rulers of the Covenanting Non-Salute States, and the other members shall be elected from among themselves by the members of the Council of Rulers other than Nawanagar and Bhavnagar.

(4) The Council of Rulers shall elect one member of the Presidium to be the President, and another to be the Vice-President of the Presidium, and the President so elected shall be the RAJ PRAMUKH of the United State.

(5) A Ruler elected as a member of the Presidium in pursuance of paragraph (3), or as the President or the Vice-President of the Presidium in pursuance of paragraph (4), of this Article shall be entitled to hold office as such member, President or Vice-President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.

(6) Notwithstanding anything to the contrary contained in the preceding paragraphs of this Article—

(a) the present Rulers of Nawanagar and Bhavnagar, having been elected President and Vice-President, respectively, of the Presidium by the Rulers concerned on the 17th January, 1948, shall be the first President and Vice-President, respectively, of the Presidium,

(b) the present Rulers of Dharangadhra, Palitana and Kotda-Sangani, having been elected members of the Presidium by

the Rulers concerned on the 17th and 21st January, 1948, shall be the first elected members of the Presidium; and

- (c) the said President, Vice-President and members of the Presidium shall, for the purposes of paragraph (5) of this Article, be deemed to have entered upon the duties of their respective offices on the 1st February, 1948.

#### *Article IV*

(1) The Raj Pramukh shall be entitled to the same salary, allowances, and other amenities enabling him to discharge conveniently and with dignity the duties of his office, as the Governor of Bombay is entitled to on the 20th January, 1948.

(2) If the Raj Pramukh is by reason of absence or illness, or for any other reason, unable to perform the duties of his office, those duties shall, until he has resumed them, be performed by the Vice-President of the Presidium. During such period the Vice-President shall be entitled to the same salary, allowances and other amenities as the Raj Pramukh.

#### *Article V*

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of, the Raj Pramukh.

(3) For the purpose of choosing the first Council of Ministers the Raj Pramukh shall convene, not later than the 20th February, 1948, a meeting of the members of the Electoral College of Kathiawar (formed for electing representatives to the Constituent Assembly of India) but excluding the members from the States of Cutch, Idar and Radhanpur.

#### *Article VI*

(1) The Ruler of each Covenantee State shall, as soon as may be practicable, and in any event not later than the 15th April, 1948, make over the administration of his State to the Raj Pramukh: and thereupon—

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain, or are incidental, to the government of the Covenantee State shall vest in the United State of Kathiawar, and shall thereafter be exercisable only as



provided by this Covenant or by the Constitution to be framed thereunder;

(b) all duties and obligations of the Ruler pertaining or incidental to the government of the Covenancing State shall devolve on the United State of Kathiawar and shall be discharged by it; and

(c) all the assets and liabilities of the Covenancing State shall be the assets and liabilities of the United State of Kathiawar.

(2) When in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II the administration of any other State, Taluka or Estate is handed over to the Raj Pramukh, the provisions of clauses (a) and (b) of paragraph (1) of this Article, and in the case of a State, the provisions also of clause (c) thereof, shall apply in relation to such State, Taluka or Estate as they apply in relation to a Covenancing State, with the modification that in relation to a Taluka or Estate, the references in the said clauses to the Ruler shall be construed as references to the Talukdar.

#### *Article VII.*

(1) The military forces, if any, of each Covenancing State shall, as from the date on which the administration of such State is made over to the Raj Pramukh, become the military forces of the United State of Kathiawar.

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority to raise, maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh.

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Presidium or the Council of Ministers in regard to any of the said matters.

#### *Article VIII.*

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him; but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities, or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court, judge officer or local authority in a Covenancing State.

*Article IX*

(1) There shall be formed, as soon as may be practicable, a Kathiawar Constituent Assembly in the manner indicated in Schedule II.

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State (whether of a unitary or federal type) within the framework of this Covenant and the Constitution of India, and providing for a government responsible to the legislature.

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh, the legislative authority of the United State shall vest in the Raj Pramukh, who may make and promulgate Ordinances for the peace and good government of the State or any part thereof, and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the State.

*Article X*

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenues of the United State for his privy purse, the amount specified against that Covenanting State in Schedule I.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and shall neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the United State of Kathiawar or by the Government of India.

*Article XI*

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh.

(2) He shall furnish to the Raj Pramukh within one month of the said date an inventory of all the immoveable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such

person as the Government of India may nominate, and the decision of that person shall be final and binding on all parties concerned.

### *Article XII*

The Ruler of each Covenantee State, as also the members of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

### *Article XIII*

(1) The succession, according to law and custom, to the *gaddi* of each Covenantee State, and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenantee State shall be decided by the Council of Rulers after referring it to the High Court of Kathiawar and in accordance with the opinion given by that High Court.

### *Article XIV*

No enquiry shall be made by or under the authority of the State of Kathiawar, and no proceedings shall lie in any court in that State, against the Ruler of any Covenantee State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

### *Article XV*

The Government of Kathiawar shall, in consultation with the Government of India and the Government of Bombay, take all steps necessary to set up a Joint Advisory Council, consisting of Ministers of Kathiawar and Ministers of the Province of Bombay, for investigating and discussing subjects of common concern and making recommendations thereon, and in particular recommendations for the better co-ordination of policy and action with respect to any such subject.

### *Article XVI*

(1) The United State of Kathiawar hereby guarantees *either* the continuance in service of the permanent members of the public services of each of the Covenantee States on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of that State is made over to the Raj Pramukh *or* the payment of reasonable compensation.

(2) The United State of Kathiawar further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, before the date referred to in paragraph (1) of this article.

(3) The provisions of paragraphs (1) and (2) of this Article shall apply also in relation to the public services of any other State in Kathiawar merging in the United State of Kathiawar; and the provisions of paragraph (1) shall apply also in relation to any staff of the Regional Commissioner, Western India and Gujarat States, which may be transferred to the service of the United State of Kathiawar.

#### *Article XVII.*

Except with the previous sanction of the Raj Prāmukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh.

#### *Article XVIII.*

Nothing in this Covenant shall be deemed to prevent the Government of Kathiawar from negotiating a Union of Kathiawar with other Gujarati Speaking areas on such terms and conditions as may be agreed to by the Council of Rulers, as well as the Council of Ministers, of Kathiawar.

### SCHEDULE I

#### COVENANTING STATES AND PRIVY PURSE AMOUNTS

##### *Part A.—Salute States*

					Rs.
1. Nawanagar	...	...	...	...	10,00,000
2. Bhavnagar	...	...	...	...	10,00,000
3. Porbandar	...	...	...	...	8,80,000
4. Dhrangadhra	...	...	...	...	8,80,000
5. Morvi	...	...	...	...	8,00,000
6. Gondal	...	...	...	...	8,00,000
7. Jafraabad	...	...	...	...	16,000
8. Wankaner	...	...	...	...	1,80,000
9. Palitana	...	...	...	...	1,80,000
10. Dhrol	...	...	...	...	1,10,000
11. Limbdi	...	...	...	...	1,95,000
12. Rajkot	...	...	...	...	2,85,000
13. Dadhwan	...	...	...	...	1,42,000

*Part B.—Non Salute States*

						Rs.
1. Lakhtar	...	...	...	...	...	91,000
2. Sayla	...	...	...	...	...	62,500
3. Chuda	...	...	...	...	...	51,250
4. Vala	...	...	...	...	...	88,750
5. Jasdan	...	...	...	...	...	1,50,000
6. Amarnagar Thana-Devli	...	...	...	...	...	1,00,000
7. Vadia	...	...	...	...	...	78,250
8. Lathi	...	...	...	...	...	77,500
9. Muli	...	...	...	...	...	53,000
10. Bajana	...	...	...	...	...	65,500
11. Virpur	...	...	...	...	...	44,500
12. Maliya	...	...	...	...	...	47,500
13. Kotda-Sangani	...	...	...	...	...	67,000
14. Jetpur	...	...	...	...	...	1,00,000
15. Bilkha	...	...	...	...	...	1,00,000
16. Patdi	...	...	...	...	...	20,000
17. Khirasa	...	...	...	...	...	30,000

**SCHEDULE II.***Provisions relating to the Kathiawar Constituent Assembly.*

1. The Assembly shall consist of not more than forty-five elected representatives of the people of the United State of Kathiawar on the basis of one representative for approximately one lakh of the population:

Provided that the people of each Covenanting Salute State shall, irrespective of their number, be entitled to elect at least one representative.

2. The United State of Kathiawar shall be divided into territorial constituencies, and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient. As far as possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State.

3. The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of Bombay, subject to necessary modifications:

Provided that no person shall be disqualified either from being chosen as, or from being, a member of the Assembly or from being included in

the electoral roll of a constituency, merely because he is the Ruler of a Covenanting or other State, or the Talukdar of a Taluka or Estate.

4. An order shall in due course be made and proclaimed by the Raj Pramukh providing, consistently with the foregoing provisions of this Schedule, for—

- (a) the delimitation of constituencies;
- (b) the preparation of electoral rolls;
- (c) the qualifications for membership of the Assembly;
- (d) the qualifications entitling persons to vote in the elections,
- (e) conduct of the elections, including bye-elections for the filling of casual vacancies;
- (f) corrupt practices at or in connection with such elections; and
- (g) the decision of doubts and disputes arising out of or in connection with such elections.

*In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.*

*Rulers of the Covenanting  
States.*

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pan-gunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

V. P. MENON,  
*Secretary to the Government of India,  
Ministry of States.*

## APPENDIX XXXV.

### SUPPLEMENTARY COVENANT

WHEREAS it is expedient that the Covenant entered into by us, the Rulers of Kathiawar States, for the formation of the United State of Kathiawar, subsequently renamed as the United State of Saurashtra, should be further modified for the purpose and in the manner hereinafter described.

We, the said Rulers, do hereby, with the concurrence of the Government of India, enter into the following Supplementary Covenant.

#### *Article I*

Notwithstanding anything contained in Article III of the original Covenant, His Highness Maharaja Digvijaysinhji Ranjitsinhji Jadeja, Maharaja Jam Saheb of Nawanagar, shall be the President of the Presidium and the Rajpramukh of Saurashtra during his life time.

In confirmation of the above Covenant we append our signatures on behalf of ourselves, our heirs and successors.

(Sd.)

*Rulers of Saurashtra.*

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

*Secretary to the Government of India,  
Ministry of States.*

## APPENDIX XXXVI

### SUPPLEMENTARY COVENANT FOR THE INTEGRATION OF JUNAGADH AND CERTAIN OTHER STATES IN SAURASHTRA

WHEREAS, the duly elected representatives of the States of Junagadh, Manavadar, Mangrol, Bantwa, Sardargarh and Babariawad (hereinafter referred to as the said States), have recommended to the Government of India and the Government of the United State of Kathiawar renamed and hereinafter referred to as the United State of Saurashtra (a) that the administration of the said States be integrated with that of the United State of Saurashtra and (b) that the aforesaid representatives of the people of these States be enabled to participate in the Kathiawar Constituent Assembly hereinafter referred to as the Saurashtra Constituent Assembly with a view to framing a common constitution for the United State of Saurashtra and the said States;

AND WHEREAS, pending the final determination of the constitutional structure of the said States, by the Saurashtra Constituent Assembly it is expedient that the Covenant entered into by the Rulers of Kathiawar States for the formation of the United State of Saurashtra (hereinafter referred to as the said Covenant), shall be so modified as to provide for,

- (a) the integration of the administration of the said States with that of the United State of Saurashtra and
- (b) the participation of the elected representatives of the people of the said States in the Saurashtra Constituent Assembly;

We, the Rulers of the Covenanted States, do hereby, with the concurrence of the Government of India, enter into the following supplementary Covenant.

#### *Article 1*

Words used in the Supplementary Covenant shall have the same meaning as in the said Covenant.

#### *Article 2*

The provisions of this Supplementary Covenant shall have effect notwithstanding anything to the contrary contained in the said Covenant.

#### *Article 3*

From a date to be agreed upon between the Governments of the said States and the Government of the United State of Saurashtra, with the concurrence of the Government of India, the administration of the said



States shall be integrated with that of the United State of Saurashtra and thereafter the legislative and executive authority powers and jurisdiction of the United State of Saurashtra shall extend to the said States to the same extent as it extends to the territory of any Covenanting State and except the provisions of Articles X, XI, XII, XIII and XIV and subject to Articles 4 and 5 of this Supplementary Covenant the provisions of the Covenant shall apply in relation to these States in the same manner as they apply to the Covenanting States.

#### *Article 4*

Not more than ten representatives elected by the people of the said States (of whom seven shall be elected by the people of the Junagadh State) shall be included among the members of the Constituent Assembly of Saurashtra and shall have the same rights, privileges and obligations as other members of the said Assembly.

#### *Article 5*

The Saurashtra Constituent Assembly shall frame a common constitution for the United State of Saurashtra and the said States.

In confirmation of the above Supplementary Covenant we append our signatures on behalf of ourselves, our heirs and successors.

1. Nawanagar.
2. Bhavnagar.
3. Porbandar.
4. Dhrangadhra.
5. Morvi.
6. Gondal.
7. Jafraabad.
8. Wankaner.
9. Palitana.
10. Dhrol.
11. Limbdi.
12. Rajkot.
13. Wadhwan.
14. Lakhtar.
15. Sayla.
16. Chuda.
17. Vala.
18. Jasdan.

19. Amarnagar (Thana-Devli)
20. Vadia.
21. Lathi.
22. Muli.
23. Bajana.
24. Virpur.
25. Maliya.
26. Kota-Sangani.
27. Jetpur.
28. Bilkha.
29. Patdi.
30. Khirasra.
31. Vanod.

The Government of India hereby concur in the above Supplementary Covenant and guarantee all its provisions, in confirmation whereof Mr. Mullath Kadingi Vellodi, Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India.

(Sd.) M. K. VELLODI,

*Secretary to the Government of India,*

*Ministry of States.*

## APPENDIX XXXVII

### THE COVENANT ENTERED INTO BY THE RULERS OF GWALIOR, INDORE AND CERTAIN OTHER STATES IN CENTRAL INDIA FOR THE FORMATION OF THE UNITED STATE OF GWALIOR, INDORE AND MALWA (MADHYA-BHARAT)

We, the Rulers of Gwalior, Indore and certain other States in Central India,

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of our respective States, with a common Executive, Legislature and Judiciary;

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for the State within the framework of the Constitution of India, to which we have already acceded, and of this Covenant.

DO HEREBY, with the concurrence and guarantee of the Government of India, enter into the following Covenant—

#### *Article I*

In this Covenant,—

- (a) "Covenanting State" means any of the States mentioned in Schedule I, the Ruler of which has, whether by himself or by a duly authorised representative, signed this covenant;
- (b) "Covenanting Major State" means the State of Gwalior or the State of Indore;
- (c) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I;
- (d) "Covenanting Non-Salute State" means any Covenanting State which is mentioned in Part B of Schedule I; and
- (e) unless there is anything repugnant in the subject or context, references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler, whether by reason of his minority or for any other reason.

#### *Article II*

(1) The Covenanting States agree—

- (a) to unite and integrate their territories in one State with a

common executive, legislature and judiciary, by the name of "the United State of Gwalior, Indore and Malwa" (Madhya-Bharat), hereinafter referred to as "the United State"; and

- (b) to include in the United State any other State the Ruler of which agrees, with the approval of the Government of India, to the merger of his State in the United State

(2) The terms of all the agreements of merger referred to in clause (b) of paragraph 1 of this Article shall be binding on the United State and shall be deemed to be part of this Covenant.

### *Article III*

(1) There shall be a Council of Rulers consisting of the Rulers of the Covenanting Salute States, the Ruler of Kurwai and one Ruler to be elected from among themselves by the Rulers of the Covenanting Non-Salute States other than Kurwai.

Provided that no Ruler who is less than 21 years of age shall be a Member of the Council.

(2) The Council of Rulers shall elect at a meeting, one member of the Council to be the President, another to be the Senior Vice-President and two others to be Junior Vice-Presidents of the Council: and the President so elected shall be the Raj Pramukh of the United State:

Provided that the Rulers of the Covenanting Major States shall not take part in the voting for the election of either Junior Vice-President.

(3) For the purposes of the elections referred to in the preceding paragraph, every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last preceding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored), provided that every member shall have at least one vote.

(4) A Ruler elected as the President or as a Vice-President of the Council shall be entitled to hold office as such President or Vice-President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.

(5) Notwithstanding anything contained in the preceding paragraphs of this Article the present Rulers of Gwalior, Indore, Dhar and Khilchipur shall respectively be the first President, Senior Vice-President and Junior Vice-Presidents of the Council of Rulers, and shall enter upon the

duties of their respective offices on the 11th day of May 1948: the said President and Senior Vice-President shall be entitled to hold office during their life-time, and the said Junior Vice-Presidents shall be entitled to hold office for a term of five years from the said date.

#### *Article IV*

(1) There shall be paid to the Raj Pramukh from the revenues of the United State a sum of Rs. 2,50,000 per year as consolidated allowance in order that he may be enabled to discharge conveniently and with dignity the duties of his office.

(2) There shall in each year be paid to the Senior Vice-President from the revenues of the United State a sum of Rs. 2,50,000 as consolidated allowance in order to enable him to discharge conveniently and with dignity the duties of his office.

(3) There shall be paid from time to time to each Junior Vice-President such allowances as the Raj Pramukh may consider appropriate to cover expenses in travelling in the discharge of such official duties as he may be directed to perform by the Raj Pramukh.

(4) If the Raj Pramukh is, by reason of absence or illness or for any other reason, unable to perform the duties of his office, those duties shall, until he has resumed them, be performed by the Senior Vice-President. During such period the Senior Vice-President shall be entitled to the same salary, allowances and other amenities as the Raj Pramukh.

#### *Article V*

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of the Raj Pramukh.

#### *Article VI*

(1) The Ruler of each Covenantee State shall, as soon as may be practicable, and in any event not later than the first day of July 1948, make over the administration of his State to the Raj Pramukh; and thereupon—

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain, or are incidental, to the Government of the Covenantee State shall vest in the United State and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder;

- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the United State and shall be discharged by it;
- (c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the United State; and
- (d) the military forces, ~~if~~ any, of the Covenantee State shall become the military forces of the United State.

(2) When, in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II, the administration of any other State is made over to the Raj Pramukh, the provisions of clauses (a), (b), (c) and (d) of paragraph (1) of this Article shall apply in relation to such States as they apply in relation to a Covenantee State.

#### *Article VII*

(1) In this Article, "scheduled areas" means any of the areas specified in Schedule II:

Provided that the Raj Pramukh may, in consultation with the Government of India, by proclamation direct that the whole or any specified part of a scheduled area shall cease to be a scheduled area or a part of such an area.

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority—

- (a) to make laws for the peace and good government of any scheduled area,
- (b) to raise, maintain and administer the military forces of the United State, and
- (c) to control the administration of the fund in Gwalior known as the Gangajali Fund and of any other existing fund of a similar character in any other Covenantee State.

shall vest exclusively in the Raj Pramukh.

(3) Until other provision is made by an Act of the Legislature of the United State the right to resume Jagirs or to recognise the succession, according to law and custom, to the rights and titles of a Jagirdar shall vest exclusively in the Raj Pramukh.

(4) Nothing in the preceding paragraphs of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned therein.

*Article VIII*

The Raj Pramukh shall, as soon as practicable, and in any event not later than the fifteenth day of June 1948 execute on behalf of the United State an Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, and in place of the Instruments of Accession of the several Covenanting States; and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and List III of the Seventh Schedule to the said Act, except the entries in List I relating to any tax or duty.

*Article IX*

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him; but the Raj Pramukh may from time to time consult the Senior Vice-President, in important matters connected with the administration of the United State. Nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any Court, Judge, officer or local or other authority in a Covenanting State.

*Article X*

(1) There shall be formed, as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule III; and it shall be the duty of that Assembly to frame a constitution of a unitary type for the United State within the framework of this Covenant and the Constitution of India, and providing for a Government responsible to the Legislature.

(2) The Raj Pramukh shall constitute not later than the first day of August 1948 an interim Legislative Assembly for the United State in the manner indicated in Schedule IV.

(3) Upon the formation of the Constituent Assembly referred to in paragraph (1) of this Article, the interim Legislative Assembly shall automatically be dissolved, and the legislative authority of the United State shall vest in the Constituent Assembly.

Provided that until a Constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh, the Raj Pramukh shall have powers to make and promulgate

Ordinances for the peace and good Government of the United State or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation have the like force of law as an Act passed by the interim Legislative Assembly, or as the case may be, the Constituent Assembly; but any such Ordinance may be controlled or superceded by any such Act.

### *Article XI*

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenues of the United State for his privy purse the amount specified against that Covenanting State in Schedule I.

Provided that the sums specified in the Schedule in respect of the Rulers of Gwalior and Indore shall be payable only to the present Rulers of these States and not to their successors for whom provision will be made subsequently.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences, marriages and other ceremonies, etc., and shall subject to the provisions of paragraph (1) neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the United State or by the Government of India.

### *Article XII*

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State Properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh.

(2) He shall furnish to the Raj Pramukh before the first day of August 1948 an inventory of all the immovable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Raj Pramukh and the decision of that person shall be final and binding on all parties concerned:

Provided that no such dispute, shall be so referable after the first day of July 1949.



*Article XIII*

The Ruler of each Covenanting State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State.. immediately before the 15th day of August, 1947.

*Article XIV*

(1) The succession, according to law and custom to the *gaddi* of each Covenanting State, and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to a bench consisting of all the available Judges of the High Court of the United State and in accordance with the opinion given by that High Court.

*Article XV*

No enquiry shall be made by or under the authority of the United State, and no proceedings shall lie in any court in the United State, against the Ruler of any Covenanting State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article XVI*

(i) The United State hereby guarantees *either* the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving on the 15th April 1948 or the payment of reasonable compensation.

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Convenanting States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services, before the date on which the administration of that State is handed over to the Raj Pramukh.

(3) The provisions of paragraphs (1) and (2) of this article shall apply also in relation to the public services of any other State merging in the United State.

*Article XVII*

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh.

*Article XVIII*

Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Gwalior and Indore shall continue to have and exercise their present powers of suspension, remission or commutation of death sentences in respect of any person who may have been, or is hereafter, sentenced to death for a capital offence committed within the territories of Gwalior or of Indore, as the case may be.

**Schedule I**

## COVENANTING STATES AND PRIVY PURSE AMOUNTS

*Part A.—Salute States*

			Rs.
1. Alirajpur	...	...	95,000
2. Barwani	...	...	1,45,000
3. Dewas (Senior)	...	...	1,45,000
4. Dewas (Junior)	...	...	1,80,000
5. Dhar	...	...	2,90,000
6. Gwalior	...	...	25,00,000
7. Indore	...	...	15,00,000
8. Jaora	...	...	1,75,000
9. Jhabua	...	...	1,27,000
10. Khilchipur	...	...	60,000
11. Narsingarh	...	...	1,15,000
12. Rajgarh	...	...	1,40,000
13. Rutlam	...	...	1,50,000
14. Sailana	...	...	70,000
15. Sitamau	...	...	48,000

*Part B.—Non-Salute States*

			Rs.
1. Jobat	...	...	32,000
2. Kathiwara	...	...	32,000
3. Kurwai	...	...	60,000
4. Mathwar	...	...	6,000
5. Piploda	...	...	30,000

**Schedule I****SCHEDULED AREAS**

1. In Rutlam State.—  
Bajna Tahsil.
2. In Sailana State:—  
Raoti Tahsil.
3. In Alirajpur State:—  
Bhabra Tahsil, Chandpur Tahsil, Ohhakatala Tahsil, Nanpur Tahsil and Rath Tahsil.
4. In Barwani State:—  
Panseinal Pargana, Rajpur Pargana and Silawad Pargana.
5. In Jhabua State:—  
Jhabua Tahsil, Rambhapur Tahsil, Ranapur Tahsil, Thandla Tahsil, Umrao and Minor Jagirs.
6. In Indore State:—  
Misarpur Pargana, Petlawaed Pargana, Segeon Pargana and Sindhwa Pargana.
7. In Gwalior State:—  
Sardarpur District.
8. In Dhar State:—  
Mandu District, Kukshi District, Nimanpur District.
9. Jobat State.
10. Kathiawara State.
11. Mathwar State.

NOTE.—Any reference to any State, District Tahsil, Pargana, or Jagir shall be construed as a reference to that State District, Tahsil, Pargana, or Jagir as existing on the 1st day of April 1948.

**Schedule III**

**PROVISIONS RELATING TO THE CONSTITUENT ASSEMBLY OF THE UNITED STATE  
OF MADHYA-BHARAT**

1. The Constituent Assembly shall consist of not more than 75 elected representatives of the people of the United State on the basis of one representative for approximately one lakh of the population:

Provided that the people of each Convenanting Salute State and Kurwai shall, irrespective of their number, be entitled to elect at least one representative.

2. The Constituent Assembly may co-opt experts and advisers to assist the Assembly in the task of constitution making. These experts and advisers so co-opted shall speak and otherwise take part in the proceedings of the Assembly or any Committee of the Assembly of which he may be so named a member but shall not be entitled to vote.

3. The United State shall be divided into territorial constituencies, and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient. As far as possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State.

4. The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the United Provinces Legislative Assembly, subject to necessary modifications.

5. An order shall in due course be made and proclaimed by the Raj Pramukh providing, consistently with the foregoing provisions of this Schedule, for—

- (a) the delimitation of constituencies;
- (b) the preparation of electoral rolls;
- (c) the qualifications for membership of the Assembly;
- (d) the qualifications entitling persons to vote in the elections;
- (e) conduct of the elections, including bye-elections for the filling of casual vacancies;
- (f) corrupt practices at or in connection with such elections; and
- (g) the decision of doubts and disputes arising out of or in connection with such elections.

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#### Schedule IV

#### PROVISIONS RELATING TO THE INTERIM LEGISLATIVE ASSEMBLY OF THE UNITED STATE OF MADHYA-BHARAT

1. The Legislative Assembly shall consist of—

- (a) forty members elected by the members of the Gwalior Legislative Assembly;
- (b) fifteen members elected by the members of the Indore Legislative Assembly; and
- (c) 20 members elected by an electoral college to be constituted by the Raj Pramukh in consultation with the Government of

India to represent Covenanting States other than Gwalior and Indore.

2. The election shall be by proportional representation by means of the single transferable vote.

3. The Raj Pramukh may make rules for carrying into effect the foregoing provisions of this Schedule and securing the due constitution of the interim Legislative Assembly.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

1. Maharaja of Alirajpur.
2. Rana of Barwani.
3. Maharaja of Dewas (Junior).
4. Maharaja of Dewas (Senior).
5. Maharaja of Dhar.
6. Maharaja of Gwalior.
7. Maharaja of Indore.
8. Nawab of Jaora.
9. Raja of Jhabua.
10. Raja of Khilchipur.
11. Raja of Narsingarh.
12. Raja of Rajgarh.
13. Maharaja of Rutlam.
14. Raja of Sailana.
15. Raja of Sitamau.
16. Rana of Jobat.
17. Thakur of Kathiwara.
18. Nawab of Kurwai.
19. Rana of Mathwar.
20. Rawat of Piploda.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

*Secy. to the Govt. of India,  
Ministry of States.*

## APPENDIX XXXVIII

AGREEMENT made this.....day of.....  
between the Raj Pramukh of the United State of Gwalior, Indore and  
Malwa (Madhya Bharat) and the Nawab/Thakore of.....

WHEREAS by Convenants entered into by the Rulers of Gwalior,  
Indore and certain other States in Central India it has been decided to  
establish a United State of Gwalior, Indore and Malwa (Madhya Bharat)  
with a democratic constitution to be framed by elected representatives of  
the people;

AND WHEREAS it is in the best interests of the people  
of.....State that the administration of that area should  
be integrated as early as possible with that of the United State of Gwalior,  
Indore and Malwa (Madhya Bharat);

NOW, THEREFORE, it is hereby agreed as follows with the occur-  
rence and guarantee of the Government of India:—

### *Article 1*

In this Agreement,

“the United State” means the United State of Gwalior, Indore and  
Malwa (Madhya Bharat);

“the Raj Pramukh” means the Raj Pramukh of the United State of  
Gwalior, Indore and Malwa (Madhya Bharat):

“.....State” means all the territories at present under the  
administration of the Nawab/Thakore of.....

“the Nawab/Thakore” means the Nawab/Thakore of.....

### *Article 2*

The territories at present under the administration of the Nawab/Thakore  
of.....form part of the United State of Gwalior, Indore and  
Malwa (Madhya Bharat)

### *Article 3*

The Nawab/Thakore will hand over the administration of.....  
to the Raj Pramukh on the first day of.....

### *Article 4*

As from the said first day of July, 1948

(a) all rights, authority and jurisdiction belonging to the Nawab/

Thakore of.....State which appertain, or are incidental to the Government of....., shall vest in the United State;

(b) all duties and obligations of the Nawab/Thakore appertaining or incidental, to the Government of.....State shall devolve on the United State; and

(c) all the assets and liabilities of.....State shall be the assets and liabilities of the United State.

#### *Article 5*

(1) The Nawab/Thakore shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the first day of July 1948.

(2) He shall furnish to the Raj Pramukh before the first day of August, 1948, an inventory of all the immovable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Nawab/Thakore or State property, it shall be referred to such person as the Government of India may nominate, and the decision of that person shall be final and binding on all parties concerned.

#### *Article 6*

(1) The Nawab/Thakore shall, with effect from the first day of July, 1948, be entitled to receive annually from the revenues of the United State for his privy purse the sum of.....rupees free of taxes.

(2) The said amount is intended to cover all the expenses of the Nawab/Thakore and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and shall neither be increased nor reduced for any reason whatsoever.

(3) The said amount will be payable to the Nawab/Thakore in equal instalments at the beginning of each quarter in advance.

#### *Article 7*

The Nawab/Thakore, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside immediately before the 15th August, 1947.

#### *Article 8*

The succession, according to law and custom, to the *gaddi* of the.....State and to the personal rights, privileges and dignities of the Nawab/Thakore is hereby guaranteed by the United State.

In confirmation whereof His Highness the Maharaja of Gwalior, the Raj Pramukh of the United State of Gwalior, Indore and Malwa (Madhya Bharat) and Nawab/Thakore of.....State have appended their signatures.

Raj Pramukh of the United State  
Gwalior, Indore and Malwa (Madhya Bharat).

Nawab/Thakore of

The Government of India hereby concur in the above Agreement and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

Secretary to the Government of India,  
Ministry of States.



## APPENDIX XXXIX

**The Covenant Entered into by the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh for the Information of Patiala and East Punjab States Union.**

We, the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh,

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of our respective States, with a common Executive, Legislature and Judiciary;

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for the State within the framework of the Constitution of India, to which we have already acceded, and of this Covenant;

DO HEREBY, with the concurrence and guarantee of the Government of India, enter into the following Covenant:—

### *Article I*

In this Covenant:—

- (a) "Covenanting State" means any of the States mentioned in Schedule I, the Ruler of which has, whether by himself or by a duly authorised representative, signed this Covenant;
- (b) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I;
- (c) "Covenanting Non-Salute State" means any Covenanting State which is mentioned in Part B of Schedule I, and
- (d) unless there is anything repugnant in the subject or context, references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler, whether by reason of his minority or for any other reason.

### *Article II*

The Covenanting States agree to unite and integrate their territories in one State with a common executive, legislature and judiciary, by the name of Patiala and East Punjab States Union hereinafter referred to as "the Union";

Provided that the Constituent Assembly of the Union formed under Article X of this Covenant may adopt such other name for the Union as it may deem appropriate.

### *Article III*

(1) There shall be a Council of Rulers consisting of the Rulers of the Covenanting Salute States and one of the Rulers of the two Covenanting non-salute State, who shall alternately for a period of five years hold the seat assigned to them on this Council:

Provided that no Ruler who is less than 21 years of age shall be a member of the Council.

(2) The Council of Rulers shall exercise such functions as are assigned to it by this Covenant, and such other functions, if any, as may be assigned to it by or under the Constitution of the Union.

(3) The Council of Rulers shall elect at a meeting, one member of the Council to be the President and another to be the Vice-President of the Council; and the President and the Vice-President so elected shall be the Raj Pramukh and the Up-Raj Pramukh respectively of the Union:

Provided that the Ruler of Patiala shall not take part in the voting for the election of the Vice-President.

(4) For the purposes of the election referred to in the preceding paragraph, every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last preceding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored), provided that every member shall have at least one vote.

(5) A Ruler elected as the President or as a Vice-President of the Council shall be entitled to hold office as such President or Vice-President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.

(6) Notwithstanding anything contained in the preceding paragraphs of this Article, the present Rulers of Patiala and Kapurthala shall respectively be the first President; and Vice-President of the Council of Rulers, and shall enter upon the duties of their respective offices on the 15th July, 1948 and the said President and the Vice-President shall be entitled to hold office during their life time.

*Article IV*

(1) In order that they may be enabled to discharge conveniently and with dignity the duties of their respective offices, the Raj Pramukh and the Up-Raj Pramukh shall be paid from the revenues of the Union such consolidated annual allowances as the Government of India may prescribe.

(2) If the Raj Pramukh is, by reason of absence or illness or for any other reason, unable to perform the duties of his office, those duties shall, until he has resumed them, be performed by the Up-Raj Pramukh. During such period the Up-Raj Pramukh shall be entitled to the same allowance and other amenities as the Raj Pramukh.

*Article V*

(1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of the Raj Pramukh.

*Article VI*

(1) The Ruler of each Covenantee State shall, as soon as may be practicable, and in any event not later than the 20th of August, 1948, make over the administration of his State to the Raj Pramukh; and thereupon,

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain, or are incidental to the Government of the Covenantee State shall vest in the Union and shall hereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder;
- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenantee State shall devolve on the Union and shall be discharged by it;
- (c) all the assets and liabilities of the Covenantee State shall be the assets and liabilities of the Union; and
- (d) the military forces, if any, of the Covenantee State shall become the military forces of the Union.

*Article VII*

(1) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority to raise, maintain and administer the military forces of the Union shall vest exclusively in the Raj Pramukh.

(2) Nothing in the preceding paragraphs of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned therein.

#### *Article VIII*

The Raj Pramukh shall, as soon as practicable and in any event not later than the 30th of August 1948 execute on behalf of the Union an Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, and in place of the Instruments of Accession of the several Covenanted States: and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the Union all the matters mentioned in List I and List III of the Seventh Schedule to the said Act, except the entries in List I relating to any tax or duty.

#### *Article IX*

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the Union shall be exercised by the Raj Pramukh either directly or through officers subordinate to him, but the Raj Pramukh may from time to time consult the Up-Raj Pramukh in important matters connected with the administration of the Union. Nothing in this Article shall prevent any competent legislature of the Union from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law or any Court, Judge, officer, or local or other authority in a Covenanted State.

#### *Article X*

(1) There shall be formed, as soon as may be practicable a Constituent Assembly in the manner indicated in Schedule II; and it shall be the duty of that Assembly to frame a constitution of a unitary type for the Union within the framework of this Covenant and the constitution of India, and providing for a Government responsible to the Legislature.

(2) Until a Legislature elected in accordance with the terms of the Constitution framed by it comes into being, the Constituent Assembly as constituted in the manner indicated in Schedule II shall function as the interim Legislature of the Union.

Provided that until a Constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh, the Raj Pramukh shall have power to make and promulgate Ordinances for the peace and good Government of the Union or any part thereof, and

any Ordinance so made shall have the like force of law as an Act passed by the Constituent Assembly; but any such Ordinance may be controlled or superseded by any such Act, and if promulgated after the first meeting of the Constituent Assembly, shall not be in force for more than six months from its promulgation.

#### *Article XI*

(1) The Ruler of each Covenantee State shall be entitled to receive annually from the revenues of the Union for his privy purse the amount specified against that Covenantee State in Schedule I.

Provided that if the sum specified in the Schedule in respect of the Ruler of Patiala exceeds Rupees ten lacs (Rs. 10,00,000), it shall be payable only to the present Ruler of Patiala and not to his successors for whom provision will be made subsequently.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences, marriages and other ceremonies etc., and shall subject to the provisions of paragraph (1) neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the Union or by the Government of India.

#### *Article XII*

(1) The Ruler of each Covenantee State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh.

(2) He shall furnish to the Raj Pramukh before the 20th day of September, 1948, an inventory of all the immovable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Raj Pramukh and the decision of that person shall be final and binding on all parties concerned.

Provided that no such dispute shall be so referable after the 30th June, 1949.

*Article XIII*

The Ruler of each Covenantee State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

*Article XIV*

(1) The succession, according to law and custom, to the *Gaddi* of each Covenantee State, and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of dispute succession in regard to a Covenantee State which arises after the inauguration of the Union shall be decided by the Council of Rulers after referring it to a bench consisting of all the available Judges of the High Court of the Union and in accordance with the opinion given by such bench.

*Article XV*

No enquiry shall be made by or under the authority of the Union, and no proceedings shall lie in any court in the Union against the Ruler of any Covenantee State, whether in a Personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

*Article XVI*

(1) The Union hereby guarantees *either* the continuance in service of the permanent members of the public services of each of the Covenantee States on conditions which will be not less advantageous than those on which they were serving on the 1st of February 1948 *or* the payment of reasonable compensation *or* retirement on proportionate pension.

(2) The Union further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenantee States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services, before the date on which the administration of that State is handed over to the Raj Pramukh.

*Article XVII*

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant

of any Covenantee State before the date on which the administration thereof is made over to the Raj Pramuks.

### Schedule I

#### COVENANTING STATES AND PRIVY PURSE AMOUNTS

##### PART A.—SALUTE STATES.

	Rs.
Faridkot	... 3,81,400
Jind	... 3,28,100
Kapurthala	... 2,70,000
Malerkotla	... 1,10,000
Nabha	... 4,10,000
Patiala	... 17,00,000

##### PART B.—NON-SALUTE STATES.

Kalsia	... 65,000
Nalagarh	... 60,000

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### Schedule II

*Provisions relating to the Constituent Assembly of the Patiala and East Punjab States Union.*

1. The Constituent Assembly shall consist of representatives of the people of the Union on the basis of one representative for approximately one lakh of the population;

Provided that the people of each Covenantee States shall, irrespective of their number, be entitled to elect at least one representative.

2. The Constituent Assembly shall be constituted in such manner as the Raj Pramuks may, in consultation with the Government of India prescribe.

3. The Constituent Assembly may co-opt experts and advisers to assist the Assembly in the task of constitution making. An expert or adviser so co-opted shall speak and otherwise take part in the proceedings of the Assembly or any Committee of the Assembly of which he may be so named a member but shall not be entitled to vote.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

- |                                      |                      |
|--------------------------------------|----------------------|
| 1. Raja of Faridkot.                 | (Sd) HAR INDAR SINGH |
| 2. Maharaja of Jind.                 | RAJBIR SINGH         |
| 3. Maharaja of Kapurthala.           | JAGATJIT SINGH.      |
| 4. Nawab of Malerkotla.              | IFTIKHAR ALI KHAN.   |
| 5. Maharaja of Nabha.                | PRATAP SINGH.        |
| 6. Maharaja of Patiala.              | YADAVINDRA SINGH.    |
| 7. Regent for Minor Ruler of Kalsia. | YADAVINDRA SINGH     |
| 8. Raja of Nalagarh.                 | SURENDAR SINGH.      |

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Panguai Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

V. P. MENON,

*Secy. Govt. of India, Ministry of States.*

*Note.*—The above is a copy of the covenant as amended by the supplementary Covenant executed in April 1949.



## APPENDIX XL

### THE COVENANT

entered into by the Rulers of Banswara, Bikaner, Bundi, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk for the reconstitution of

#### THE UNITED STATE OF RAJASTHAN

WHEREAS by a Covenant entered into by the Rulers of Banswara, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk it has been agreed that the territories of the said ten States should be integrated into one State by the name of the United State of Rajasthan;

AND WHEREAS it has been agreed between the Rulers of the said ten States and the Rulers of Bikaner, Jaipur, Jaisalmer and Jodhpur that the said United State of Rajasthan should be reconstituted by the integration of the territories of all the fourteen States;

The Rulers aforesaid do hereby, in supersession of the said Covenant and with the concurrence and guarantee of the Government of India, enter into this Covenant:—

#### *Article I*

In this Covenant:—

- (a) "Covenanting State" means any of the fourteen States of Banswara, Bikaner, Bundi, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk;
- (b) "former Rajasthan State" means the United State referred in the first paragraph of the preamble to this Covenant;
- (c) "new Covenanting State" means any of the four States of Bikaner, Jaipur, Jaisalmer and Jodhpur; and
- (d) unless there is anything repugnant in the subject or context, references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler, whether by reason of his minority or for any other reason.

#### *Article II*

(1) The Covenanting States agree:—

- (a) to unite and integrate their territories in one State, with a

common executive legislature and judiciary, by the name of "THE UNITED STATE OF RAJASTHAN", hereinafter referred to as the United State; and

- (b) to include in the United State so established any other State, the Ruler of which enters into an agreement with the Raj Pramukh and with the approval of the Government of India to the integration of that State with the United State of Rajasthan.

(2) The terms of any such agreement of integration as is referred to in clause (b) of paragraph (1) of this Article shall be binding on the United State and shall be deemed to be part of this Covenant.

### *Article III*

(1) There shall be a Council of Rulers consisting of the Rulers of all the Covenanting States:

Provided that no Ruler who is less than 21 years of age shall be a member of the Council.

(2) The Council of Rulers shall elect at a meeting one member of the Council to be the President, another two to be Senior Vice-Presidents and two others to be Junior Vice-Presidents of the Council.

(3) For the purposes of the elections referred to in the preceding paragraph, every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last preceding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored), provided that every member shall have at least one vote.

(4) A Ruler elected as the President or as a Vice-President of the Council shall be entitled to hold office as such President or Vice-President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.

(5) Notwithstanding anything contained in the preceding paragraphs of this Article, the present Rulers of Jaipur, Jodhpur, Kotah, Bundi and Dungarpur shall respectively be the first President, Senior Vice-Presidents and Junior Vice-Presidents of the Council of Rulers, and shall enter upon the duties of their respective offices on the thirtieth day of March 1949. The said President shall be entitled to hold office during his lifetime, and the said Vice-Presidents for a term of five years from the said date.

(6) Notwithstanding anything contained in the preceding paragraphs of this Article, when in pursuance of any such agreement of integration, as is referred to in clause (b) of paragraph (1) of Article II, any other State is integrated with the United State, the Raj Pramukh may, in consultation with the Government of India, appoint the Rules of such State as the third Junior Vice-President of the Council of Rulers who shall hold office for a term of five years.

(7) Whenever a vacancy occurs or is about to occur in any of the offices referred to in paragraph (2) the Council of Rulers shall elect at a meeting a member to fill that vacancy, and any member so elected shall hold office for a term of five years from the date on which he enters upon the duties thereof.

(8) The President of the Council of Rulers shall be the Raj Pramukh of the United State.

#### *Article IV*

(1) In order that he may be enable to discharge conveniently and with dignity the duties of his office, the Raj Pramukh shall be paid from the revenues of the United State such consolidated annual allowance as the Government of India may prescribe.

(2) There shall be paid from time to time to the Vice-Presidents such allowances as the Raj Pramukh may consider appropriate to cover expenses in travelling in the discharge of such official duties as may be assigned to them.

(3) If the Raj Pramukh is, by reason of absence of illness or for any other reason unable to perform the duties of his office, those duties shall until he has resumed them, be performed by one of the Senior Vice-Presidents of the Council of Rulers who may be nominated by the Government of India in consultation with the Raj Pramukh. During such period the Senior Vice-President so nominated shall be entitled to the same consolidated allowance as the Raj Pramukh.

#### *Article V*

(1) There shall be a Council of Ministers to aid and advise Raj Pramukh in the exercise of his functions except those under paragraphs (2) and (3) of Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of, the Raj Pramukh.

*Article VI*

(1) The Raj Pramukh of the former Rajasthan State shall make over the administration of that State on the seventh day of April 1949, to the Raj Pramukh of the United State under this Covenant.

(2) The Ruler of each new Covenanting State shall not later than the seventh day of April 1949, make over the administration of his State to the Raj Pramukh; and thereupon:—

(a) All rights, authority and jurisdiction belonging to the Ruler which appertain or are incidental to the Government of the Covenanting State shall vest in the United State and shall thereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder;

(b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenanting State shall devolve on the United State and shall be discharged by it: and

(c) all the assets and liabilities of the Covenanting State shall be the assets and liabilities of the United State.

(3) When in pursuance of any such agreement of integration as is referred to in clause (b) of paragraph (1) of Article II, the administration of any other State is handed over to the Raj Pramukh, the provisions of clauses (a), (b) and (c) of paragraph (2) of this Article shall apply in relation to such State as they apply in relation to a Covenanting State.

*Article VII*

(1) The military forces, if any, of the former Rajasthan State and of each new Covenanting State shall, as from the date on which the administration of such State is made over to the Raj Pramukh, become the military forces of the United State.

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf the authority to raise, maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh.

(3) Unless other provision is made by an Act of the Legislature of the United State, the right to resume Jagirs or to recognise succession, according to law and custom, to the rights and titles of the Jagirdars shall vest exclusively in the Raj Pramukh.

(4) Nothing in the preceding paragraph of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned therein.

### *Article VIII*

The Raj Pramukh shall, as soon as practicable, and in any event not later than the fifteenth day of April 1949, execute on behalf of the United State an Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, and in place of the Instrument of Accession of the former Rajasthan State and the Instrument of Accession of the new Covenanting States; and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters specified in the Instrument of Accession of the former Rajasthan State.

### *Article IX*

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him; but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court, judge, officer or local authority in the former Rajasthan State or in a new Covenanting State.

### *Article X*

(1) There shall be formed, as soon as practicable, a Constituent Assembly in such manner as the Raj Pramukh may, in consultation with the Government of India in the States Ministry prescribe.

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State within the framework of this Covenant and the Constitution of India, and providing for a Government responsible to the legislature.

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh, the legislative authority of the United State shall vest in the Raj Pramukh, who may make and promulgate Ordinances for the peace and good Government of the State or any part thereof, and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the United State.

*Article XI*

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenues of the United State for his privy purse the amounts specified against Covenanting State in Schedule I.

Provided that the sum specified in the Schedule in respect of the Rulers of Jaipur, Bikaner and Jodhpur States shall be payable only to the present Rulers of the said States and not to their successors each of whom shall be entitled to receive annually a sum of Rs. ten lakhs as his privy purse.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on residences, marriages and other ceremonies, and shall neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the United State or by the Government of India.

*Article XII*

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties), belonging to him on the date of his making over the administration of that State to the Raj Pramukh of the former Rajasthan State or as the case may be, to the Raj Pramukh of the United State under this Covenant.

(2) If any dispute arises as to whether any item of property is the private property of the Ruler of a Covenanting State other than a new Covenanting State or is State property, it shall be referred to such person as the Government of India may nominate in consultation with the Raj Pramukh, and the decision of that person shall be final and binding on all parties concerned:

Provided that no such dispute shall be so referable after the first day of May 1949.

(3) The private properties of the Ruler of each new Covenanting States shall be as agreed to between the Government of India in the States Ministry and the Ruler concerned, and the settlement of properties thus made shall be final.

*Article XIII*

The Ruler of each Covenantee State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th August, 1947.

*Article XIV*

(1) The succession according to law and customs, to the *gaddi* of each Covenantee State, and to the personal rights, privileges dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenantee State shall be decided by the Council of Rulers after referring it to the High Court of the United State and in accordance with the opinion given by that High Court.

*Article XV*

No enquiry shall be made nor any action taken by or under the authority of the United State or the Government of India, and no proceedings shall lie in any court, against the Ruler of any Covenantee State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenantee State.

*Article XVI*

(1) The United State hereby guarantees *either* the continuance in service of the permanent members of the public services of the former Rajasthan State **and of each of the new Covenantee States** on conditions which will not be less advantageous than those on which they were serving on the 1st November 1948 or the payment of reasonable compensation or retirement on proportionate pension.

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the new Covenantee States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services before the date on which the administration of the State is made over to the Raj Pramukh.

(3) The United State hereby reaffirms the guarantees given by the former Rajasthan State in paragraphs (1) and (2) of Article XVI of the Covenant establishing that State.

*Article XVII*

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh.

*Article XVIII*

Nothing in this Covenant shall be deemed to prevent the Government of the United State from taking over the administration of the whole or any part of any area included within a province of India, such terms and conditions as may be agreed upon by the Government of the United State and the Government of India.

*Article XIX*

Notwithstanding anything contained in this Covenant, until a constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh, the Raj Pramukh and the Council of Ministers chosen by him under Article V of this Covenant, shall in the exercise of their functions under the provisions of this Covenant be under the general control of and comply with such particular directions if any, as may from time to time be given by, the Government of India.

*Article XX*

(1) Notwithstanding anything contained in this Covenant there shall also be during the life-time of the present Ruler of Mewar, a Maharaj Pramukh of the United State who shall preside over such meetings of the Council convened by the Raj Pramukh as he may attend. The present Ruler of Mewar shall be the Maharaj Pramukh during his life-time.

(2) In order that he may be able to discharge conveniently and with dignity the duties of his office, the Maharaj Pramukh shall be paid from the revenues of the United State such consolidated annual allowance as the Government of India may prescribe.

**SCHEDULE****Covenanting States and Privy Purse Amounts**

					Rs.
1. Banswara	...	..	..	..	1,26,000
2. Bikaner	..	..	..	..	17,00,000
3. Bundi	..	..	..	...	2,81,000



4. Dungarpur	..	..	..	..	1,98,000
5. Jaipur	..	..	..	..	18,00,000
6. Jaisalmer	..	..	..	..	1,80,000
7. Jhalawar	..	..	..	..	1,86,000
8. Jodhpur	..	..	..	..	17,50,000
9. Kishengarh	..	..	..	..	1,86,000
10. Kotah	..	..	..	..	7,00,000
11. Mewar	..	..	..	..	10,00,000
12. Partabgarh	..	..	..	..	1,02,000
13. Shahpura	..	..	..	..	90,000
14. Tonk	..	..	..	..	2,78,000

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

Maharawal of Banswara.  
 Maharaja of Bikaner.  
 Maharao Raja of Bundi  
 Maharawal of Dungarpur.  
 Maharaja of Jaipur.  
 Maharawal of Jaisalmer.  
 Maharaj-Rana of Jhalawar.  
 Maharaja of Jodhpur.  
 Maharaja of Kishengarh.  
 Maharao of Kotah.  
 Maharana of Mewar.  
 Maharawat of Partabgarh.  
 Raja of Shahpura.  
 Nawab of Tonk.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

(Sd.) V. P. MENON,  
*Adviser to the Government of India,*  
*Ministry of States.*

## APPENDIX XLI

AGREEMENT made this tenth day of May, 1949, between the Raj Pramukh of the United State of Rajasthan and the Rulers of Alwar, Bharatpur, Dholpur and Karauli:

WHEREAS Article II of the Covenant entered into by the Rulers of Banswara, Bikaner, Bundi, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk for the reconstitution of the United State of Rajasthan provides for the inclusion in the United State so established of any other State the Ruler of which enters into an agreement with the Raj Pramukh and with the approval of the Government of India for the integration of that State with the United State of Rajasthan;

The Raj Pramukh of the United State of Rajasthan, the Rulers of Alwar, Bharatpur and Karauli, and the Ruler of Dholpur acting in his capacity as such Ruler and in his capacity as the Raj Pramukh of the United State of Matsya, with the approval and concurrence of the Government of India, do hereby agree as follows:—

### *Article I*

In this Agreement, unless there is anything repugnant in the context—

- (a) 'Covenant' means the Covenant referred to in the preamble to this Agreement;
- (b) 'Matsya States' means the States which on the date of this Agreement comprise the United State of Matsya, namely, the States of Alwar, Bharatpur, Dholpur and Karauli;
- (c) 'Matsya' means the United State of Matsya; and
- (d) 'Rajasthan' means the United State of Rajasthan.

### *Article II*

As from mid-day of the 15th day of May, 1949,—

- (a) the United State of Matsya shall be integrated with and become part of, the United State of Rajasthan; and
- (b) the Covenant entered into by the Rulers of the Matsya States for the formation of Matsya shall stand abrogated.

### *Article III*

On the said day the administration of Matsya as a whole and of each of the Matsya States shall be handed over by the Rajpramukh of Matsya to the Raj Pramukh of Rajasthan.

*Article IV*

With effect from mid-day of the 15th May, 1949, the following additions and alterations shall be deemed to have been made in the Covenant, namely:—

(i) for clause (a) of Article 1, the following clauses shall be substituted:—

(a) 'Covenanting State' means any of the eighteen States of Alwar, Banswara, Bharatpur, Bikaner, Bundi, Dholpur, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Karauli, Kishengarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk:

(aa) 'former Matsya State' means the United State of 'Matsya established by Covenant dated the 28th February, 1948, entered into by the Rulers of Alwar, Bharatpur, Dholpur and Karauli.

(ii) in paragraph (1) of Article VII after the words 'former Rajasthan State' the words 'of the former Matsya State' shall be inserted;

(iii) in Article IX, after the words 'former Rajasthan State' the words 'or in the former Matsya State' shall be inserted;

(iv) in paragraph (1) of Article XVI, after the words 'former Rajasthan State' the words 'of the former Matsya State' shall be inserted;

(v) in paragraph (3) of Article XVI, after the words "establishing that State" the words "and the guarantees given by the former Matsya State in paragraphs (1) and (2) of Article XV of the Covenant establishing that State" shall be inserted.

(vi) to Schedule I, the following entries shall be added:—

"15. Alwar	... Rs. 5,20,000
16. Bharatpur	... Rs. 5,02,000
17. Dholpur	... Rs. 2,64,000
18. Karauli	... Rs. 1,05,000".

*Article V*

Notwithstanding anything contained in this Agreement or in the Covenant, the Government of India may, when they are satisfied that conditions favourable to the expression of a considered opinion by the general

public have been established in the territorial units formerly known as the States of Bharatpur and Dholpur, cause to be taken such measures as they may deem necessary to ascertain whether public opinion in each of the said units is in favour of remaining within Rajasthan or is in favour of merging with the United Provinces, and if public opinion in either of the said units is in favour of the latter alternative, take such further measures as may be necessary for effecting the separation of that unit from Rajasthan and its merger in the United Provinces:

Provided that such merger shall not in any way effect the amount of privy purse and the other rights and privileges guaranteed to the Ruler concerned by the Covenant and this Agreement.

#### *Article VI*

For the avoidance of doubt it is hereby agreed and declared that with effect from mid-day of the 15th May, 1949, the Instrument of Accession executed by the Raj Pramukh of Rajasthan on the fifteenth day of April, 1949, will in all respects extend and apply to the territories of Matsya States to be incorporated in Rajasthan, and the Instrument of Accession executed by the Rajpramukh of Matsya on the seventh day of October, 1948, will be treated as cancelled.

In confirmation whereof we append our signatures on behalf of ourselves, our heirs and successors.

1. Maharaja of Alwar.
2. Maharaja of Bharatpur.
3. Maharaj-Rana of Dholpur and Rajpramukh of the United State of Matsya.
4. Maharaja of Karauli.
5. Rajpramukh of the United State of Rajasthan.

The Government of India hereby approve and concur in the above Agreement and guarantee all its provisions:

In confirmation whereof Mullath Kadingi Vellodi, Secretary to the Government of India in the Ministry of States appends his signature on behalf and with the authority of the Government of India.

**M. K. VELLODI,**  
Secretary to the Government of India.

## APPENDIX XLII

### THE COVENANT ENTERED INTO BY THE RULERS OF TRAVANCORE AND COCHIN FOR THE FORMATION OF THE UNITED STATE OF TRAVANCORE AND COCHIN.

WE, the Rulers of Travancore and Cochin, do hereby, with the concurrence and guarantee of the Government of India, enter into the following Covenant:

#### *Article I*

As from the first day of July, 1949, the States of Travancore and Cochin shall be united in, and shall form, one State, with a common executive, legislature and judiciary, by the name of the United State of Travancore and Cochin.

#### *Article II*

In the succeeding Articles of this Covenant, the first day of July, 1949, is referred to as the appointed day, the States of Travancore and Cochin are referred to as the Covenanting States, and the United State of Travancore and Cochin is referred to as the United State.

#### *Article III*

As from the appointed day,—

- (a) all rights, authority and jurisdiction belonging to the Ruler of either of the Covenanting States which appertain or are incidental to the Government of that State, shall vest in the United State;
- (b) all duties and obligations of the Ruler of either of the Covenanting States pertaining or incidental to the Government of that State shall devolve on the United State, and shall be discharged by it; and
- (c) all the assets and liabilities of either Covenanting State shall be the assets and liabilities of the United State.

#### *Article IV*

- (1) There shall be a Raj Pramukh for the United State.
- (2) The present Ruler of Travancore shall be the first Raj Pramukh and shall be entitled to hold office during his life-time.
- (3) In the event of a permanent vacancy arising in the office of the Raj Pramukh by death, resignation or any other reason, such vacancy shall be filled in such manner as the Governor-General of India may prescribe.

(4) Notwithstanding anything contained in this Article, if the Raj Pramukh is by reason of absence or illness or for any other reasons unable to perform the duties of his office, those duties shall until he has resumed them be performed in such manner as the Governor-General of India may prescribe.

#### *Article V*

To enable the Raj Pramukh to discharge conveniently and with dignity the duties of his office, he shall be paid such allowances as may be prescribed by the Governor-General of India from time to time.

#### *Article VI*

Subject to the provisions of this Covenant, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him but nothing in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court, judge or officer or any local or other authority in either or the Covenanted States.

#### *Article VII*

(1) There shall be a Council of Minister to aid and advise the Raj Pramukh in the exercise of his functions save as provided in Articles XII and XIII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of, the Raj Pramukh.

#### *Article VIII*

(a) The obligation of the covenanted State of Travancore to contribute from its general revenues a sum of Rs. 50 lakhs every year to the Devaswom fund as provided for in the Devaswom (Amendment) Proclamation, 1123 M.E., and a sum of Rs. 1 lakh every year to Sri Pandaravaga referred to in proviso (a) to sub-section (1) of Section 23 of the Travancore Interim Constitution Act 1123 M.E., shall, from the appointed day, be an obligation of the United State and the said amounts shall be payable therefrom and the Raj Pramukh shall cause the said amounts to be paid every year to the Travancore Devaswom Board and the Executive Officer (referred to in sub-clause (b) of this article) respectively.

(b) The administration of Sri Padmanabhaswami Temple the Sri Pandaravaga properties and all other properties and funds of the said temple now vested in trust in the Ruler of the Covenantee State of Travancore and the sum of Rs. 1 lakh transferred from year to year under the provisions of clause (a) of this article and the sum of five lakhs of Rupees contributed from year to year towards the expenditure in the Sree Padmanabhaswami Temple under sub-clause (c) of this article, shall, with effect from the first day of August 1949, be conducted, subject to the control and supervision of the Ruler of Travancore, by an Executive Officer appointed by him. There shall be a Committee known by the name of Sree Padmanabhaswami Temple Committee composed of three Hindu Members, to be nominated by the Ruler of Travancore to advise him in the discharge of his functions. Suits by or against the Sree Padmanabhaswami Temple or in respect of its properties shall be instituted in the name of the said Executive Officer.

(c) The administration of the incorporated and unincorporated Devaswoms and of Hindu Religious Institutions and Endowments and all their properties and funds as well as the fund constituted under the Devaswom Proclamation 1097 M.E. and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 M.E., which are under the management of the Ruler of the covenantee State of Travancore and the sum of Rs. 50 lakhs transferred from year to year under clause (a) shall with effect from the first day of August 1949 vest in a Board known by the name of the Travancore Devaswom Board. An annual contribution of five lakhs of Rupees shall be made by the Travancore Devaswom Board from the aforesaid sum of Rs. 50 lakhs towards the expenditure in the Sree Padmanabhaswami Temple.

(d) The administration of the incorporated and unincorporated Devaswoms and Hindu Religious Institutions which are under the management of the Ruler of the covenantee State of Cochin under Section 50 G of the Government of Cochin Act, XX of 1113 M.E., or under the provisions of the Cochin Hindu Religious Institutions Act, I of 1081 M.E., and all their properties and funds and of the Estates under the management of the Devaswom Department of the covenantee State of Cochin, shall with effect from the first day of August 1949 vest in a Board known by the name of the Cochin Devaswom Board:

Provided that the regulation and control of all rituals and ceremonies in the temple of Sree Poornathrayeesa at Trippunithura and in the Pazayannore Bhagavathy temple at Pazayannore shall continue to be exercised as hitherto by the Ruler of Cochin

(e) The Board referred to in sub-clause (c) of this article shall consist of three Hindu Members, one of whom shall be nominated by the Ruler of the covenanting State of Travancore, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.

(f) The Board referred to in sub-clause (d) of this article shall consist of three Hindu Members one of whom shall be nominated by the Ruler of the covenanting State of Cochin, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.

(g) Each of the aforesaid Boards shall be a separate body corporate having perpetual succession and a common seal with powers to hold and acquire properties and shall by its name sue and be sued.

(h) Subject to the provisions of this article, the constitution, powers and duties of the Boards aforesaid shall be such as may be determined hereafter by law enacted by competent authority.

#### *Article IX*

The Raj Pramukh shall, within a fortnight of the appointed day, execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act, 1935, and in place of the Instrument of Accession of the Covenanting States; and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and List III of the Seventh Schedule to the said Act, except the entries in List I relating to any tax or duty:

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from accepting by a Supplementary Instrument any or all of the entries in the said List I relating to any tax or duty as matters with respect to which the Dominion Legislature may make laws for the United State; and in doing so the Raj Pramukh may specify the limitations, if any, subject to which the power of the Dominion Legislature to make laws for the United State in respect of such matters and the exercise of the executive authority of the Dominion in the United State are respectively to be subject.

#### *Article X*

(1) There shall be a Legislature for the United State consisting of the Raj Pramukh and the Legislative Assembly.



(2) All persons, who immediately before the appointed day, are members of the Representative Body of Travancore or the Legislative Assembly of Cochin, shall on that day become members of the Legislative Assembly of the United State.

(3) If immediately before the appointed day any vacancy exists in the membership of the Representative Body of Travancore or the Legislative Assembly of Cochin, it shall be deemed to be a vacancy in the membership of the Legislative Assembly of the United State and any such vacancy and any vacancy that may occur after the appointed day shall be filled in the same manner as it would have been filled if this Covenant had not been entered into.

(4) The Legislature of the United State shall subject to the provisions of this Covenant have full power to make laws for the United State, including provisions as to the Constitution of the United State, within the framework of this Covenant and the Constitution of India.

#### *Article XI.*

Until a Constitution framed or adopted by the Legislature comes into operation, the Rajpramukh shall have power to make and promulgate Ordinances for the peace and good government of the United State or any part thereof, and any Ordinance so made shall for the space of not more than six months from its promulgation have the like force of law as an Act of the Legislature, but any such Ordinance may be controlled or superseded by any such Act.

#### *Article XII*

If at any time before a Constitution framed or adopted by the Legislature comes into operation, the Rajpramukh is satisfied that a situation has arisen in which the Government of the United State cannot be carried on in accordance with the provisions of this Covenant, he may, with the prior concurrence of the Government of India, by Proclamation,

(a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;

(b) assume to himself all or any of the powers vested in or exercisable by any authority or body within the United State:

and any such Proclamation may contain such incidental and consequential provisions as may appear to him necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending, in whole or part, the operation of any provisions of this Covenant or of any other constitutional provisions relating to any authority or body in the United State:

Provided that nothing in this Article shall authorise the Rajpramukh to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any law relating to a High Court.

#### *Article XIII*

Until a Constitution framed or adopted by the Legislative comes into operation, the Rajpramukh and the Council of Ministers shall in the exercise of their functions, comply with such directions, if any, as may from time to time be given by the Government by the Government of India.

#### *Article XIV*

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenue of the United State for his privy purse the amounts specified against that Covenanting State in the Schedule:

Provided that the sums specified in the Schedule in respect of the Ruler of Travancore shall be payable only to the present Ruler and not to his successors for whom provisions will be made subsequently by the Government of India.

(2) The said amount is intended to cover all the expenses of the Ruler including expenses on residences and ceremonies and shall neither be increased nor reduced for any reason whatsoever.

(3) The United State shall pay the said amount to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India.

#### *Article XV*

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him immediately before the appointed day.

(2) He shall furnish to the Government of India and in the Ministry of States before the 1st day of September 1949 an inventory of all immovable property, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Ruler of Travancore or Cochin as the case may be, and the decision of that person shall be final and binding on all parties concerned.

*Article XVI.*

The Ruler of each Covenanting State, as also the members of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

*Article XVII*

(1) The succession, according to law and custom to the *gaddi* of each Covenanting State and to the personal rights, privileges, dignities and titles of the Ruler thereof is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Raj Pramukh after referring it to the High Court of the United State and in accordance with the opinion given by that High Court.

*Article XVIII*

No enquiry shall be made nor any action taken by or under the authority of the United State or the Government of India, and no proceedings shall lie in any Court against the Ruler of any Covenanting State, whether in his personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period his administration of that Covenanting State.

*Article XIX*

- (1) The United State hereby guarantees either the continuance in service of the permanent members of the public services of either Covenanting State on conditions which will not be less advantageous than those on which they are serving immediately before the appointed day or the payment of reasonable compensation or retirement on proportionate pension.
- (2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in either Covenanting State to members of the Public services (Civil and Military) of that State, who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services before the appointed day.

*Article XX*

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of either Covenanting State before the appointed day.

*Article XXI*

Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Travancore and Cochin shall continue to have and exercise their present powers of suspension, remission or commutation of death sentences in respect of any person who may have been or is hereafter sentenced to death for capital offence committed within the territories of Travancore or Cochin as the case may be.

*Article XXII*

Nothing in this Covenant shall be construed as preventing the Government of the United State from taking over the administration of the whole or any part of any area included within a Province of India on such terms and conditions as may be agreed upon by the Government of the United State and the Government of India.

**SCHEDULE****COVENANTING STATES AND PRIVY PURSE AMOUNTS**

Travancore	...	...	...	...	Rs. 18 lakhs.
Cochin	...	...	...	...	Rs. 2,35,000.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

TRIVANDRUM;

*The 27th May, 1949.*

TRIPPUNITHARA;

*The 29th May, 1949.*

RAMA VARMA,

Maharaja of Travancore.

RAMA VARMA,

Maharaja of Cochin.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

V. P. MENON,

Adviser to the Government of India,

Ministry of States.

## APPENDIX XLIII

Statement showing area and population of States which have merged with provinces of India.

No.	Date of merger	Names of States	No. of States	Province with which merged	Areas in sq. miles	Population in-thousands
1.	1-1-1948.	Athgarh, Athmalik, Bamra, Baramba, Baudh, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi, Keonjhar, Khandpara, Narsingpur, Nayagarh, Niligiri, Pal Lahara, Patna, Raikhol, Rampur, Sonapur, Talchar, Tigiria.	23	Orissa	23,637	4,048
2.	1-1-1948.	Bastar, Chhangbhakar, Chhukhadan, Jashpur, Kankar, Kawardha, Khairagarh, Korea, Nandgaon, Raigarh, Sakti, Sarangarh, Surguja, Udaipur.	14	C.P. & Berar.	31,598	2,820
3.	1-2-1948.	Makrai . . . . .	1	Do.	151	14
4.	23-2-1948.	Loharu . . . . .	1	East Punjab.	226	28
5.	23-2-1948.	Banganapalle . . . . .	1	Madras	259	45
6.	3-3-1948.	Pudukkottai . . . . .	1	Do.	1,185	438
7.	3-3-1948.	Dujana . . . . .	1	East Punjab.	91	31
8.	8-3-1948.	Akalkot, Aundh, Bhor, Jamkhandi, Jath, Kurundwad (Junior), Kurundwad (Senior), Mudhol, Ramdurg, Sangli, Janjira, Phaltan, Savanur, Savantwadi, Wadi Jagir, Miraj (Senior), Miraj (Junior).	17	Bombay	7,651	1,693
9.	7-4-1948.	Pataudi . . . . .	1	East Punjab.	53	22.
10.	10-6-1948.	The 17 full jurisdictional Gujarat States of Balsinor, Bansda, Baria, Cambay, Chhota Udaipur, Dharampur, Jawhar, Lunawade, Rajpipla, Sachin, Sant, Idar, Radhanpur, Vijaya nagar, Palanpur, Jambhugodha, Surgana and non-jurisdictional thanas, estates and talukas of Gujarat.	144	Bombay	17,680	2,624
11.	18-5-1948.	Seraikella, Kharsawan . . . . .	2	Bihar	623	205
12.	6-11-1948.	Danta . . . . .	1	Bombay	347	31
13.	1-1-1949.	Mayurbhanj . . . . .	1	Orissa	4,034	991
14.	5-1-1949.	Sirohi* . . . . .	1	Bombay	1,994	239
15.	1-3-1949.	Kolhapur . . . . .	1	Do.	3,219	1,092
16.	1-5-1949.	Baroda . . . . .	1	Do.	8,236	2,855
17.	1-4-1949.	Sandur . . . . .	1	Madras	158	16
18.	1-8-1949.	Tehri-Garhwal . . . . .	1	U.P.	4,516	397
19.	15-10-1949.	Benares . . . . .	1	Do.	866	451
20.	1-12-1949.	Rampur . . . . .	1	Do.	894	477
21.	1-1-1950.	Cooch Behar . . . . .	1	West Bengal.	1,321	641
TOTAL . . . . .			216		108,739	19,158

\* Since partitioned between Bombay and Rajasthan vide para 104.

**Statement showing area and population of States constituting  
Centrally Administered Areas.**

No.	Date of merger	Names of States	No. of States	Name of Area	Areas in sq. miles	Population in thousands
1.	15-4-1948.	The Punjab Hill States of Baghal, Baghat, Balsan, Bashahr, Bhajji, Bija, Darkoti, Dhami, Jubbal, Keonthal, Kumharsain, Kunihar, Kuthar, Mahlog, Sangri, Mangal, Sirmur, Tharoch, Chamba, Mandi, and Suket.	21	Himachal Pradesh	10,600	935
2.	1-6-1948.	Kutch . . . . .	1	Kutch	8,461	501
3.	12-10-1948	Bilaspur . . . . .	1	Bilaspur	453	110
4.	1-6-1949.	Bhopal . . . . .	1	Bhopal	6,921	785
5.	15-10-1949	Tripura . . . . .	1	Tripura	4,049	513
6.	15-10-1949	Manipur . . . . .	1	Manipur	8,620	512
7.	1-1-1950.	Ajaisgarh, Baoni, Baraundha Bijawar, Chhatarpur, Charkhari, Datia, Maihar, Nagod, Orchha, Panna, Rewa, Samthar, Alipura, Banka—Pahari, Beri, Bhaisa-undha, Bihat, Bijna, Dhurwai, Gaurihar, Garrauli, Jaso, Jigni, Kamta-Rajaula, Khaniadhana, Kotki, Lugasi, Naigawan-Rebai, Pahara, Paldeo, (Nayagaon) Sarila, Sohawal, Taraon—and Tori-Fatehpur	35	Vindhya Pradesh	24,600	3,569
TOTAL . . . . .			61		63,704	6,925

**Statement showing area and population of States constituting Unions.**

No.	Date of merger	Names of States	No. of States	Name of Union	Areas in sq miles	Population in thousands.
1	15-2-1948.	222 Units including the jurisdictional States of Nawanganagar, Bhavnagar, Porbandar, Dhrangadhra, Morvi, Gondal, Jafraabad, Rajkot, Wankaner, Palitana, Dhol, Chuda, Limbdi, Wadhwan, Lakhtar, Sayla, Vala, Junagadh, Manavadar, Jasdan, Amarnagar (Thana Devli), Vadia, Lathi, Muli, Bajana, Virpur, Maliya, Kotda-Sanganani, Jetpur, Bilkha, Patdi and Khirasara.	222	Saurashtra	21,062	3,556
2.	7-4-1949.	Jodhpur, Jaipur, Bikaner, Jaisalmer, Alwar, Bharatpur, Dholpur, Karauli, Banswara, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Partabgarh, Shahpura, Tonk and Udai- pur.	18	Rajasthan.	1,28,424	13,085

No.	Date of merger	Names of States	No. of States	Name of Union	Areas in sq. miles in thousands	Population in thousands
3.	15-6-1948.	Alirajpur, Barwani, Dewas (Senior), Dewas (Junior), Dhar, Gwalior, Indore, Jaora, Jhabua, Khilchipur, Narsingarh, Rajgarh, Ratlam, Sailana, Sitamau, Jobat, Kathiawara, Kurwai, Mathwar, Piploda, Muhammadgarh, Pathari, and the Bhumia Estates of Nimkhera, Jamnia and Rajgarh.	25	Madhya Bharat	46,710	7,141
4.	20-8-1948.	Patiala, Kapurthala, Malerkotla, Faridkot, Nabha, Jind, Nalagarh and Kalasia.	8	Patiala and East Punjab States Union.	10,099	3,424
5.	1-7-1949.	Travancore and Cochin	2	Travancore—Cochin.	9,155	7,493
TOTAL			275		215,450	34,699
GRAND TOTAL			552		387,893	60,783

**APPENDIX XLIV**

GOVERNMENT OF INDIA

**MINISTRY OF LAW****NOTIFICATION***New Delhi, the 27th July, 1949.*

**No. S. O. 25.**—The following Order made by the Governor-General is published for general information:—

**THE STATES' MERGER (GOVERNORS' PROVINCES) ORDER, 1949.**

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian States specified in the Schedules annexed hereto are exerciseable by the Dominion Government;

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of the said States together with the adjoining Governors' Provinces;

AND WHEREAS the views of the Governments of the said Provinces have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in the exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the States' Merger (Governors' Provinces) Order, 1949.

(2) It shall come into force on the first day of August, 1949.

2. In this Order, unless there is anything repugnant in the subject or context,—

(a) "absorbing Province", in relation to a merged State, means the Province specified in the heading of the Schedule in which that State is specified;

(b) "appointed day" means the date of the commencement of this Order;

(c) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List;



(d) "law" includes any ordinance order, bye-law, rule or regulation having the force of law;

(e) "merged State" means any of the States specified in the Schedules, and in the case of Baroda, includes also the area known as Kutchigarh situated in Okhamandal;

(f) "Schedule" means a Schedule to this Order.

3. As from the appointed day, the States specified in each of the Schedules shall be administered in all respects as if they formed part of the Province specified in the heading of that Schedule; and accordingly, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to any of the merged States, and any reference in any such Act or Ordinance as aforesaid to a Province specified in a Schedule to this Order shall be construed as including the territories of all the States specified in that Schedule.

4. All the law in force in a merged State or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra-Provincial jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by a competent Legislature or other competent authority:

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the governance of any of the merged States.

5. (1) All property, wherever situate, which, immediately before the appointed day, is vested in the Dominion Government for purposes of the governance of a merged State shall, as from that day, vest in the Government of the absorbing Province, unless the purposes for which the property is held immediately before that day are central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property is held immediately before the appointed day are central purposes.

6. Arrears of any taxes outstanding in a merged State immediately before the appointed day shall be deemed to be due to, and may be recovered by, the Dominion Government or the Government of the absorbing Province, according as the proceeds of any such tax imposed after the appointed day would be due to, and recoverable by, the Dominion Government or the Government of the absorbing Province.

7. (1) All liabilities in respect of such loans, guarantees and other financial obligations of the Dominion Government as arise out of the governance of a merged State, including in particular the liability for the payment of any sums to the Ruler of the merged State on account of his privy purse or to other persons in the merged State on account of political pensions and the like, shall, as from the appointed day, be liabilities of the absorbing Province, unless the loan, guarantee or other financial obligation is relatable to central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether any loan, guarantee or other financial obligation arising out of the governance of a merged State is relatable to central purposes.

8. Without prejudice to the special provisions contained in Article 7. any contract made or deemed to be made before the appointed day by, or on behalf of, the Dominion for purposes connected with the governance of a merged State shall, as from that day, have effect as if it had been made by, or on behalf of, the absorbing Province, unless it is wholly or in part for central purposes.

9. Any proceedings which, if this Order had not been made, might lawfully have been brought in a merged State by or against the Dominion shall, in the case of any liability arising before the appointed day or arising under any contract made before that day, be brought—

(a) by or against the Dominion, if the proceedings could have been brought by or against the Dominion had the liability arisen after the appointed day or, as the case may be, arisen under a contract made after the appointed day, and

(b) otherwise, by or against the absorbing Province.

10. If, immediately before the appointed day, any proceedings are pending in a merged State to which the Dominion is a party and if those proceedings would have been brought by or against the absorbing Province under Article 9 had they been brought after the appointed day, the absorbing Province shall be deemed to be substituted in those proceedings for the Dominion, and the proceedings shall continue accordingly.

11. (1) Notwithstanding anything contained in the Fifth Schedule to the Government of India Act, 1935—

(a) the total of seats in the Legislative Assemblies of the Provinces specified below shall be as follows:—

Madras	.	.	.	.	.	.	.	.	214
Bombay	,	,	,	.	.	.	.	.	233

Bihar . . . . .	151
Central Provinces and Berar . . . . .	128
East Punjab . . . . .	82
Orissa . . . . .	91

(h) the total of seats in the Legislative Council of Bombay shall be increased by 10 and shall be not less than 38 and not more than 40.

(2) Save as provided in this Article none of the provisions contained in the Fifth or the Sixth Schedule to the Government of India Act, 1935, shall apply in relation to the additional seats created by paragraph (1) of this Article.

(3) The allocation of the additional seats among the merged States for purposes of the nomination hereinafter provided shall be as shown in the Schedules.

(4) As soon as may be practicable after the appointed day, the Governor-General shall, by order in writing, nominate duly qualified persons to fill the additional seats and represent the people of the State or group of States to which those seats are allocated.

(5) A person shall not be qualified to be nominated under this Article if he—

(a) is subject to any disqualification under section 69 of the Government of India Act, 1935; or

(b) in the case of a seat in the Legislative Assembly, is less than 25 years of age, and in the case of a seat in the Legislative Council, is less than 30 years of age; or

(c) has not for a period of at least 180 days in the previous financial year resided in a house in the State or group of States to which the seat is allocated.

(6) Every order made under paragraph (4) of this Article shall be communicated to the Governor of the Province concerned, who shall cause it to be notified in the official gazette of the Province and communicated to the Speaker of the Legislative Assembly or, as the case may be, the President of the Legislative Council and to each of the persons nominated by the order.

(7) If any of the additional seats created by paragraph (1) of this Article becomes vacant, it shall be filled by nomination of the Governor-General in accordance with paragraphs (4), (5) and (6) of this Article.

## THE SCHEDULES

[See Articles 2(e) and 11(3)]

## SCHEDULE I

States merged in the Province of Madras

*Names of States**Number of seats in  
the Legislative  
Assembly*

Pudukkottai . . . . .	}	2
Banganapalle . . . . .		
Sandur . . . . .		

## SCHEDULE II

States merged in the Province of Bombay

*Names of States**No. of seats in the  
Legislative Council**Number of seats in  
the Legislative  
Assembly*

4	Baroda . . . . .	23	
1	Rajpipla . . . . .	}	6
	Baria . . . . .		
	Chhota-Udepur . . . . .		
	Bhaderwa . . . . .		
	Sanjeli . . . . .		
	Tharad . . . . .		
	Wao . . . . .		
	Ambaliara . . . . .		
	Ghodasar . . . . .		
	Ilol . . . . .		
	Khatosan . . . . .		
	Khadal . . . . .		
	Mohanpur . . . . .		
	Punadra . . . . .		
Ranasan . . . . .	}	6	
Sudasma . . . . .			
Valasna . . . . .			
Varsoda . . . . .			
Vasna . . . . .			
Malpur . . . . .			
Manisa . . . . .	}	6	
Idar . . . . .			
Vijayanagar . . . . .			
Danta . . . . .			
Palanpur . . . . .			
Radhanpur . . . . .			
1	Bansda . . . . .	}	2
	Dharampur . . . . .		
	Jawhar . . . . .		
	Surgana . . . . .		
1	Cambay . . . . .	}	1
	Sachin . . . . .		
1	Sant . . . . .	}	2
	Lunawada . . . . .		
	Jumbugodha . . . . .		
	Balasimor . . . . .		

<i>No. of seats in the Legislative Council</i>	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
1	Kolhapur . . . . .	8
	{ Sangli . . . . .	2
	{ Jath . . . . .	1
1	{ Kurundwad (Jr.) . . . . .	2
	{ Kurundwad (Sr.) . . . . .	
	{ Miraj (Jr.) . . . . .	1
	{ Miraj (Sr.) . . . . .	
	{ Aundh . . . . .	
	{ Phaltan . . . . .	
1	{ Bhor . . . . .	1
	{ Janjira . . . . .	1
	{ Akalkot . . . . .	1
	{ Sawantwadi . . . . .	2
	{ Jamkhandi . . . . .	2
	{ Mudhol . . . . .	
	{ Ramdurg . . . . .	
	{ Savanur . . . . .	
	{ Wadi . . . . .	

## SCHEDULE III

States merged in the Province of Behar

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Kharsawan . . . . .	1
Seraikella . . . . .	

## SCHEDULE IV

States merged in the Central Provinces &amp; Berar

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Bastar . . . . .	4
Kanker . . . . .	1
Raigarh . . . . .	2
Surguja . . . . .	3
Jashpur . . . . .	1
Changbhakar . . . . .	1
Korea . . . . .	
Ohhuikhadan . . . . .	3
Kawardha . . . . .	
Khairagarh . . . . .	
Nandgaon . . . . .	
Makrai . . . . .	
Sakti . . . . .	2
Sarangarh . . . . .	
Udaipur . . . . .	

## SCHEDULE V

States merged in the Province of East Punjab

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Loharu . . . . .	1
Dujana . . . . .	
Pataudi . . . . .	

## SCHEDULE VI

States merged in the Province of Orissa

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Mayurbhanj . . . . .	6
Bamra . . . . .	1
Dhenkanal . . . . .	2
Kalahandi . . . . .	4
Nayagarh . . . . .	1
Patna . . . . .	4
Bonai . . . . .	3
Gangpur . . . . .	
Keonjhar . . . . .	4
Nilgiri . . . . .	
Athgarh . . . . .	3
Baramba . . . . .	
Daspalla . . . . .	
Hindol . . . . .	
Khandpara . . . . .	
Narsingpur . . . . .	
Ranpur . . . . .	
Tigiria . . . . .	
Pal-Lahara . . . . .	3
Talcher . . . . .	
Athmallik . . . . .	
Baudh . . . . .	
Rairakhol . . . . .	3
Sonepur . . . . .	

C. RAJAGOPALACHARI,  
*Governor-General.*

K. V. K. SUNDARAM,  
*Secretary.*

**APPENDIX XLV**

GOVERNMENT OF INDIA

**MINISTRY OF LAW****NOTIFICATION***New Delhi, the 29th November, 1949.*

**No. S.O. 27.**—The following Order made by the Governor-General is published for general information:—

**THE STATES' MERGER (UNITED PROVINCES) ORDER, 1949**

**WHEREAS** full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian States of Banaras, Rampur and Tehri-Garhwal are exercisable by the Dominion Government;

**AND WHEREAS** it is expedient to provide by Order made under section 290A of the Government of India Act, 1935, for the administration of the said States in all respects as if they formed part of the United Provinces;

**AND WHEREAS** for the aforesaid purpose it is expedient to amend the States' Merger (Governors' Provinces) Order, 1949, and the States' Merger (Chief Commissioners' Provinces) Order, 1949;

**AND WHEREAS** the views of the Government of the United Provinces have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

Now **THEREFORE**, in exercise of the powers conferred by the said section 290A and of all other powers enabling him in this behalf the Governor-General is pleased to make the following Order:—

1. This Order may be cited as the States' Merger (United Provinces) Order, 1949.

2. In article 2 of the States' Merger (Governors' Provinces) Order, 1949 (hereinafter referred to as the Principal Order), for clause (b) the following clause shall be substituted, namely:—

'(b) "appointed day", in relation to the States specified in Schedules I to VI, means the first day of August, 1949, and in relation to the States specified in Schedule VII, the first day of December, 1949;'

3. In paragraph (1) of Article 11 of the Principal Order,—

(a) in clause (a), after the entry relating to Orissa, the following entry shall be inserted, namely:—

"United Provinces .....232";

(b) in clause (b), the following words shall be added at the end, namely:—

“and the total of seats in the Legislative Council of the United Provinces shall be increased by 1 and shall be not less than 58 and not more than 60”.

4. After Article 11 of the Principal Order, the following Article shall be inserted, namely:—

“12. As from the appointed day,—

- (a) the jurisdiction of the High Court at Allahabad shall extend to the whole of the merged State of Rampur (hereinafter referred to as ‘Rampur’) as it extends to the United Provinces;
- (b) the Bengal, Agra and Assam ‘Civil Courts Act, 1887, shall extend to, and be in force in, Rampur as it extends to, and is in force in, the United Provinces;
- (c) the Ijlas-e-Humayun, the High Court of Rampur and the other Civil Courts in Rampur (hereinafter referred as ‘existing Civil Courts’) shall cease to function, and are hereby abolished;
- (d) the Charter relating to the High Court of Rampur given by His Highness the Nawab of Rampur in July, 1948, shall stand repealed;
- (e) all proceedings (including proceedings for confirmation of sentences of death) pending before the Ijlas-e-Humayun immediately before the appointed day shall stand transferred to the High Court at Allahabad and shall be heard and decided by that Court as if they had been proceedings instituted or commenced in that Court or submitted to it for confirmation of a sentence of death by a Sessions Judge subordinate to that Court, in accordance with subsection (2) of section 31 of the Code of Criminal Procedure, 1898;
- (f) all civil suits, execution cases and other proceedings (other than proceedings in company matters) instituted or commenced in the High Court of Rampur in the exercise of its original civil jurisdiction and pending before that High Court immediately before the appointed day shall stand transferred to the District Judge, Rampur;



- (g) all criminal trials instituted or commenced in the High Court of Rampur in the exercise of its original criminal jurisdiction and pending before that High Court immediately before the appointed day shall stand transferred to the Sessions Judge, Rampur;
- (h) every appeal, case and other proceeding (other than proceedings to which clause (f) or (g) applies, but not excluding proceedings in company matters) pending before the High Court of Rampur immediately before the appointed day shall stand transferred to the High Court at Allahabad, unless it be an appeal in a criminal proceeding and the sentences appealed against is a sentence of fine only or is a sentence of imprisonment for a period not exceeding five years, whether with or without fine, in which case it shall stand transferred to the Sessions Judge, Rampur;
- (i) all the powers and jurisdiction which under the law for the time being in force in Rampur were immediately before the appointed day exercisable by the High Court of Rampur in the exercise of its original jurisdiction shall be exercised by the District Judge, Rampur, or the Sessions Judge, Rampur, as the case may be;
- (j) where any existing Civil Court by reason of its abolition under clause (c) of this Article, ceases to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court has been transferred under this Article;
- (k) all suits and proceedings pending immediately before the appointed day before any of the existing Civil Courts shall stand transferred to the lowest Court, established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Rampur, which would have jurisdiction to try or dispose of such suit or proceeding;
- (l) appeals from decrees and orders passed by the existing Civil Courts, but not appealed against before the appointed day, shall—
  - (i) in cases where such appeals would, before that day, have lain under the law in force in Rampur to the High Court of Rampur, lie to the High Court at Allahabad;

- (ii) in cases where such appeals would, before that day, have lain, under the law in force in Rampur, to any other existing Civil Court, lie to the corresponding Court established under this Article;
- (m) any appeal from an order passed in a criminal case, but not appealed against before the appointed day, shall—
  - (i) if it is an appeal against an order passed by a magistrate and the appeal would, before such date, have lain under the law in force in Rampur to the High Court of Rampur, lie to the Sessions Judge, Rampur;
  - (ii) if it is an appeal against an order passed by the High Court of Rampur in the exercise of its original criminal jurisdiction, lie to the High Court at Allahabad;
- (n) nothing contained in clauses (l) and (m) shall be construed to extend the period of limitation to which any such appeal may be subject on the day immediately before the appointed day;
- (o) all decrees passed and orders made before the appointed day by the High Court of Rampur or by any of the existing Civil Courts and all sentences or orders passed in the exercise of criminal jurisdiction by the High Court of Rampur shall be deemed, for the purpose of execution, to have been passed or made by the corresponding court established under and in accordance with the provisions of this Article;
- (p) in so far as this Article makes no provision or insufficient provision, the High Court at Allahabad may make such order for the transfer of suits, cases or proceedings pending before the High Court of Rampur or an existing Civil Court to itself or to any Court in Rampur subordinate to it, and where any case, suit or proceeding is so transferred, the Court to which it is transferred shall hear and dispose of the same as if it had been a case, suit or proceeding transferred to it, in accordance with the law for the time being in force; and
- (q) the abolition of the Ijlas-e-Humayun, the High Court of Rampur or the existing Civil Courts under clause (c) of this Article shall not prejudice or affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the appointed day by such Ijlas or Court under the powers then conferred upon it.

*Explanation.*—In clauses (1) and (o), the expression “corresponding Court” means a Court in which the case or proceeding in which the sentence or order was passed would have lain if the case or proceeding had been instituted after the appointed day.”

5. In the Schedules to the Principal Order, the following Schedule shall be added at the end, namely:—

“SCHEDULE VII

*States merged in the United Provinces*

Number of seats in the Legislative Council	Names of States	Number of seats in the Legislative Assembly
1	{ Rampur Banaras Tehri-Garhwal	2 2 2”

6. (1) In Article 2 of the States’ Merger (Chief Commissioners’ Provinces) Order, 1949, for the words “Bhopal, Bilaspur and Rampur”, in both the places where they occur, the words “Bhopal and Bilaspur” shall be substituted.

(2) The Amendments made by paragraph (1) of this Article shall have effect as from the first day of December, 1949.

C. RAJAGOPALACHARI.  
*Governor-General.*

K. V. K. SUNDARAM,  
*Secretary.*

## APPENDIX XLVI

GOVERNMENT OF INDIA

## MINISTRY OF LAW

## NOTIFICATION

*New Delhi, the 31st December 1949*

**No. S. O. 28.**—The following Order made by the Governor-General is published for general information:—

## THE STATES' MERGER (WEST BENGAL) ORDER 1949.

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian State of Cooch Behar are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by Order made under section 290A of the Government of India Act, 1935, for the administration of the said State in all respects as if it formed part of the Province of West Bengal;

AND WHEREAS for the aforesaid purpose it is expedient further to amend the States' Merger (Governors' Provinces) Order, 1949;

AND WHEREAS the views of the Government of West Bengal have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred by the said section 290A and of all other powers enabling him in this behalf, the Governor-General is pleased to make the following Order:—

1. This Order may be cited as the States' Merger (West Bengal) Order, 1949.

2. In clause (b) of article 2 of the States' Merger (Governors' Provinces) Order, 1949 (hereinafter referred to as the Principal Order), after the word and figures "December, 1949" the words and figures "and in relation to the State specified in Schedule VIII, the first day of January, 1950" shall be inserted.

3. In clause (a) of paragraph 1 of Article 11 of the Principal Order, after the entry relating to the United Provinces, the following entry shall be inserted, namely:—

"West Bengal                      ...      ...      ...      ...      ...      ...      92."

4. After Article 12 of the Principal Order, the following Article shall be inserted, namely:—

“13. As from the appointed day,—

(a) the jurisdiction of the High Court at Calcutta shall extend to the whole of the merged State of Cooch Behar (hereinafter referred to as Cooch Behar) as it extends to the Province of West Bengal;

(b) the Bengal, Agra and Assam Civil Courts Act, 1887, shall extend to, and be in force in, Cooch Behar as it extends to, and is in force in, the Province of West Bengal;

(c) the High Court of Cooch Behar and the other Civil Courts in Cooch Behar (hereinafter referred to as “existing Civil Courts”) shall cease to function, and are hereby abolished;

(d) every appeal, case and other proceeding, pending before the High Court of Cooch Behar immediately before the appointed day shall stand transferred.—

(i) if it is an appeal from a decree or order in a civil case where the amount or value of the subject-matter of the suit or other proceeding is not more than five thousand rupees, to the Court of the District Judge, Cooch Behar;

(ii) if it is an appeal in a criminal proceeding and the sentence appealed against is a sentence of fine only or is a sentence of imprisonment for a period not exceeding four years, whether with or without fine, to the Court of the Sessions Judge, Cooch Behar; and

(iii) in any other case, to the High Court at Calcutta;

(e) every civil appeal, suit or other proceeding pending, immediately before the appointed day, before any of the existing Civil Courts shall stand transferred to the lowest Court, established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Cooch Behar, which would have jurisdiction to try or dispose of such appeal, suit or proceeding;

(f) every criminal appeal, case or other proceeding pending, immediately before the appointed day, before the Civil and Sessions Judge, Cooch Behar, shall stand transferred to the Sessions Judge, Cooch Behar;

(g) every decree passed or order made before the appointed day by the High Court of Cooch Behar or by any of the existing Civil Courts, and every sentence or order passed in the exercise of criminal jurisdiction by

the High Court of Cooch Behar or by the Civil and Sessions Judge, Cooch Behar, shall be deemed, for the purpose of execution, to have been passed or made by the corresponding court established under and in accordance with the provisions of this Article;

(h) where any existing Civil Court, by reason of its abolition under clause (c) of this Article, ceases to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court has been transferred under this Article;

(i) an appeal from a decree or order passed by an existing Civil Court, but not appealed against before the appointed day, shall,—

(i) where such appeal would, before that day, have lain under the law in force in Cooch Behar to the High Court of Cooch Behar and the amount or value of the subject-matter of the suit or other proceeding is more than five thousand rupees, lie to the High Court at Calcutta; and

(ii) where such appeal would, before that day, have lain under the law in force in Cooch Behar to the High Court of Cooch Behar or to the court of the Civil and Sessions Judge, Cooch Behar, and the amount or value of the subject-matter of the suit or other proceeding is not more than five thousand rupees, to the Court of the District Judge, Cooch Behar;

(j) an appeal from an order passed by a magistrate in a criminal case but not appealed against before the appointed day, shall, if the appeal would, before such day, have lain under the law in force in Cooch Behar to the High Court of Cooch Behar, lie to the Sessions Judge, Cooch Behar;

(k) an application for revision of an order passed by a magistrate in a criminal case shall, if such application would, under the law in force in Cooch Behar before the appointed day, have lain, but was not made, to the High Court of Cooch Behar, lie to the High Court at Calcutta;

(l) nothing contained in clauses (g) to (k) shall be construed to extend the period of limitation to which any such appeal, application or other proceeding may be subject on the day immediately before the appointed day;

(m) the abolition of the High Court of Cooch Behar or the existing Civil Courts under clause (c) of this Article shall not prejudice or affect

the continued operation of any notice served, injunction issued, direction made or proceedings taken before the appointed day by such High Court or Civil Court under the powers then conferred upon it;

(n) no proceedings taken, or jurisdiction exercised, by a single Judge of the High Court of Cooch Behar during the period from the 31st day of October, 1949, to the 31st day of December, 1949, shall be called in question on the ground that the Court was not properly constituted or that such proceedings could have been taken, or jurisdiction exercised, only by a bench of two Judges; and

(o) in so far as this Article makes no provision or insufficient provision, the High Court at Calcutta, may make such order for the transfer of suits, cases or proceedings pending before the High Court of Cooch Behar or an existing Civil Court to itself or to any Court in Cooch Behar subordinate to it; and where any case, suit or proceeding is so transferred, the Court to which it is transferred shall hear and dispose of the same as if it had been a case, suit or proceeding transferred to it in accordance with the law for the time being in force.

*Explanation.*—In clause (g) the expression “corresponding Court” means a Court in which the case or proceeding in which the sentence or order was passed would have lain if the case or proceeding had been instituted after the appointed day.”

5. In the Schedules to the Principal Order, the following Schedule shall be added at the end, namely:—

#### “SCHEDULE VIII

*State merged in the Province of West Bengal*

Name of State	Number of seats in the Legislative Assembly
Cooch Behar	2”

C. RAJAGOPALACHARI,  
*Governor-General.*

K. V. K. SUNDARAM,  
*Secretary.*

## APPENDIX XLVII

GOVERNMENT OF INDIA

### MINISTRY OF LAW

#### NOTIFICATION

*New Delhi, the 29th July, 1949.*

**No. S.O. 26.**—The following Order made by the Governor-General is published for general information:—

#### THE STATES MERGER (CHIEF COMMISSIONERS' PROVINCES) ORDER, 1949.

WHEREAS full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the Indian States and part of an Indian State hereinafter specified are exercisable by the Dominion Government;

Now, THEREFORE, in the exercise of the powers conferred by section 290-A of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the States Merger (Chief Commissioners' Provinces) Order, 1949.

(2) It shall come into force on the first day of August, 1949, which day is hereinafter referred to as "the appointed day".

2. (1) As from the appointed day,—

(a) each of the States of Bhopal, Bilaspur and Rampur shall be administered in all respects as if it were a Chief Commissioner's Province, and shall respectively be known as the Chief Commissioner's Province of Bhopal, Bilaspur and Rampur;

(b) the group of States specified in the first Schedule to this Order shall be administered in all respects as if it were a Chief Commissioner's Province, and shall be known as the Chief Commissioner's Province of Himachal Pradesh; and

(c) the parts of States specified in the Second Schedule to this Order shall be administered in all respects as if they were a Chief Commissioner's Province, and shall be known as the Chief Commissioner's Province of Kutch.

(2) The said Chief Commissioners' Provinces are hereinafter referred to as "the new Provinces".



3. As from the appointed day, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day, shall be construed as not including a reference to any of the States specified in Article 2 (1) (a) of, or in the First Schedule to, this Order or to the State of Kutch, and any reference in any such Act or Ordinance as aforesaid to the Chief Commissioners' Provinces shall be construed as including a reference to the new Provinces.

4. All the law in force in any of the new Provinces or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until replaced modified or amended by the Dominion Legislature or other competent authority:

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the administration of any of the new Provinces or any part thereof.

For the purposes of this Article "law" includes any ordinance, order, bye-law, rule or regulation having the force of law.

#### THE FIRST SCHEDULE

[See Article 2(1) (b).]

##### *The States comprising Himachal Pradesh*

Bhagal	Darkoti	Mahlog
Bhagat	Dhami	Mandi
Balsan	Jubbal	Mangal
Bashahr	Keonthal	Sangri
Bhajji	Kumharsain	Sirmur
Bija	Kunihar	Suket
Chamba	Kuthar	Tharooch

#### THE SECOND SCHEDULE

[See Article 2(1) (c).]

##### *The parts of States comprising Kutch.*

(i) The State of Kutch, excluding the area known as Kutchigarh situate in Okhamandal.

(ii) That part of the United State of Saurashtra which is comprised in the Adhoi Mahal of Morvi, consisting of the seven villages Adhoi, Dharua, Gamdan, Halara, Lakhpat, Rampur and Vasatava.

G. RAJAGOPALACHARI.

*Governor-General.*

K. V. K. SUNDARAM,

*Secretary.*

**APPENDIX XLVIII**  
**GOVERNMENT OF INDIA**  
**MINISTRY OF LAW**  
**NOTIFICATION.**

*New Delhi, the 22nd January, 1950*

**No. S.O. 30.**—The following Order made by the Governor-General is published for general information:—

**THE STATES, MERGER (CHIEF COMMISSIONERS' PROVINCES) ORDER, 1950.**

WHEREAS full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the Indian States of Manipur, Tripura and Vindhya Pradesh are exercisable by the Dominion Government;

Now, THEREFORE, in the exercise of the powers conferred by section 290A of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1 (1) This Order may be cited as the States' Merger (Chief Commissioners' Provinces) Order, 1950.

(2) It shall come into force on the 23rd day of January, 1950, which day is hereinafter referred to as "the appointed day".

2. (1) As from the appointed day, each of the States of Manipur, Tripura and Vindhya Pradesh shall be administered in all respects as if it were a Chief Commissioner's Province, and shall respectively be known as the Chief Commissioner's Province of Manipur, Tripura and Vindhya Pradesh.

(2) The said Chief Commissioners' Provinces are hereinafter referred to as "the new Provinces".

3. As from the appointed day, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day, shall be construed as not including a reference to any of the States specified in Article 2 and any reference in any such Act or Ordinance as aforesaid to the Chief Commissioners' Provinces shall be construed as including a reference to the new Provinces.

4. All the law in force in any of the new Provinces or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by the Dominion Legislature or other competent authority.

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the administration of any of the new Provinces or any part thereof.

For the purposes of this Article "law" includes any ordinance, order, bye-law, rule or regulation having the force of law.

C. RAJAGOPALACHARI,  
*Governor-General.*

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K. V. K. SUNDARAM,  
*Secretary.*

**APPENDIX XLIX**  
**REVISED INSTRUMENTS OF ACCESSION**

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**Saurashtra**

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in January and February, 1948, the Rulers of the said States have the consent of the Government of India agreed to the integration of their respective territories into a single State known as the United State of Kathiawar in this Instrument referred to as "the United State";

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August, 1947, by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the Government of India Act, 1935, except matters relating to taxation;

NOW, THEREFORE, I Digvijaysinji Ranjit Sinji Jadeja of Nawalnagar, Raj Pramukh of the United State of Kathiawar do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State;

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor General of India has received the assent of the Governor General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall

at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this twenty-second day of May, 1948.

(Sd.) DIGVIJAYSINJHI OF NAWANAGAR,  
Raj Pramukh of Saurashtra.

I do hereby accept this Instrument of Accession.

Dated this thirteenth day of September, Nineteen hundred and forty-eight.

(Sd.) C. RAJAGOPALACHARI  
*Governor-General of India.*

#### SCHEDULE

1. Nawanagar
2. Bhavnagar.
3. Porbandar.
4. Dhrangadhra.
5. Morvi.
6. Gondal.
7. Jafraabad.
8. Wankaner.
9. Palitana.
10. Dhrol.

11. Limbdi.
12. Rajkot.
13. Wadhwan
14. Lakhtar.
15. Sayla.
16. Chuda.
17. Vala.
18. Jasdan.
19. Amarnagar, Thana Devli.
20. Vadia.
21. Lathi.
22. Muli.
23. Bajana.
24. Virpur.
25. Maliya.
26. Kotda-Sangan.
27. Jetpur.
28. Bilkha.
29. Patdi.
30. Khirasra.
31. Vanod.

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### **Madhya Bharat**

WHEREAS by Instruments of Accession executed in August, November and December, 1947, and February 1948, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in April, 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the United State of Gwalior, Indore and Malwa (Madhya Bharat) in this Instrument referred to as "the United State";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable, execute on behalf of the United State a fresh Instrument of Accession in

accordance with the provisions of section 6 of the Government of India Act, 1935, accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the said Act, except matters relating to taxation;

NOW, THEREFORE, I, Maharajadhiraja Sir George Jivaji Rao Scindia Bahadur of Gwalior, Raj Pramukh of the United State of Gwalior, Indore and Malwa (Madhya-Bharat) do hereby execute this Instrument of Accession for and on behalf of the United State and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor General of India has received the assent of the Governor General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:



Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, November and December, 1947 and February, 1948, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this 19th day of July, 1948.

(Sd.) G. J. R. SCINDIA.

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I do hereby accept this Instrument of Accession.

Dated this 13th day of September, Nineteen hundred and forty-eight.

(Sd.) C. RAJAGOPALACHARI,  
*Governor-General of India.*

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### SCHEDULE

1. Alirajpur.
2. Barwani.
3. Dewas (Junior).
4. Dewas (Senior).
5. Dhar.
6. Gwalior.
7. Indore.
8. Jaora.
9. Jhabua.
10. Khilchipur.
11. Narsingarh.
12. Rajgarh.
13. Ratlam.
14. Sailana.
15. Sitamau.
16. Jobat.
17. Kathiawara.
18. Kurwai.
19. Mathwar.
20. Piploda.
21. Nimkhera.
22. Pathari.
23. Muhammadgarh.

**Patiala and East Punjab States Union**

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in May, 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the Patiala and East Punjab States Union in this Instrument referred to as "the Union";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the Union shall, as soon as practicable, execute on behalf of the Union a fresh Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, accepting as matters with respect to which the Dominion Legislature may make laws for the Union all matters mentioned in List I and List III of the Seventh Schedule to the said Act, except matters relating to taxation;

NOW, THEREFORE, I Maharajadhiraja Rajeshwar Sri Sir Yadavindra Singh Mahindar Bahadur of Patiala, Raj Pramukh of the Patiala and East Punjab States Union, do hereby execute this Instrument of Accession for and on behalf of the Union; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the Union such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the Union so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the Union;

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the Union or to prohibit

the imposition of any duty or tax by the Legislature of the Union in the said territories :

Provided further that where a law of the Union with respect to one of the matters enumerated in the said List III, contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the Union having been reserved for the consideration of the Governor General of India has received the assent of the Governor General, the law of the Union shall prevail in the Union but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter :

Provided further that no Bill or amendment for making any provision repugnant to any law of the Union, which, having been so reserved, has received the assent of the Governor General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the Union whereby any functions in relation to the administration in the Union of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the Union.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the Union by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the Union authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the Union deem it necessary to acquire any land the Raj Pramukh of the Union shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the Union transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the Union in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the Union to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the Union or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this 7th day of August, 1948.

(Sd.) YADAVINDRA SINGH,  
*Rajpramukh,  
Patiala and the East Punjab States Union.*

I do hereby accept this Instrument of Accession.

Dated this 13th day of September, Nineteen hundred and forty-eight.

(Sd.) C. RAJAGOPALACHARI,  
*Governor-General of India.*

#### SCHEDULE

1. Faridkot.
2. Jind.
3. Kapurthala.
4. Malerkotla.
5. Nabha.
6. Patiala.
7. Kalsia.
8. Nalagarh.

#### MATSYA UNION

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in February 1948, the Rulers of the said States have with the consent of the Government of India agreed

to the integration of their respective territories into a single State known as the United State of Matsya in this Instrument referred to as "the United State";

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August, 1947, by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the Government of India Act, 1935. except matters relating to taxation;

NOW, THEREFORE, Lt.-Col. His Highness Sir Udai Bhan Singh Maharaj Rana, G.C.I.E., K.C.S.I., K.C.V.O., Raj Pramukh of the United State of Matsya do hereby execute this Instrument of Accession for and on behalf of the United State and

1 I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provisions of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law

with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6 The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution,

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this seventh day of October, 1948.

(Sd.) UDAIBHAN SINGH,  
*Raj Pramukh, Matsya Union.*

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I do hereby accept this Instrument of Accession.

Dated this twentieth day of October, Nineteenth hundred and forty-eight.

(Sd.) C. RAJAGOPALACHARI,  
*Governor-General of India.*

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#### SCHEDULE.

1. Alwar.
2. Bharatpur.
3. Dholpur.
4. Karauli.

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#### SECOND RAJASTHAN UNION

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in April, 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the United States of Rajasthan in this Instrument referred to as "the United State";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable, execute on behalf of the United State a fresh Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act



1935, whereby he may accept as matters with respect to which the Dominion Legislature may make laws for the United State any matters in addition to those specified in the Instrument of Accession of any of the Covenanting States;

NOW, THEREFORE, I Maharajadhirajah Maharana Shri Sir Bhupal Singh of Udaipur, Raj Pramukh of the United State of Rajasthan, do hereby execute this Instrument of Accession for and on behalf of the United State and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provisions of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this thirty-first day of May, 1948.

(Sd.) M. R. BHUPAL SINGH,  
*Raj Pramukh of Rajasthan.*

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I do hereby accept this Instrument of Accession.

Dated this thirteenth day of September, Nineteen hundred and forty-eight.

(Sd.) C. RAJAGOPALACHARI,  
*Governor-General of India.*

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#### SCHEDULE.

1. Partabgarh.
2. Kotah.
3. Kishengarh.
4. Jhalawar.
5. Bundi.
6. Tonk.
7. Banswara.
8. Shahpura.
9. Dungarpur.
10. Udaipur (Mewar).

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#### UNITED STATE OF RAJASTHAN

WHEREAS by Instrument of Accession executed in August 1947, the Rulers of Jaipur, Jodhpur, Bikaner and Jaisalmer States (hereinafter referred to as "the new Covenanting States") have acceded to the Dominion of India;

AND WHEREAS the Raj Pramukh of the United State of Rajasthan established in April 1948 by the integration of the territories of the States of Partabgarh, Kotah, Kishangarh, Jhalawar, Bundi, Tonk, Banswara, Shahpura, Dungarpur and Mewar (hereinafter referred to as "the former Rajasthan State.") executed in May 1948 on behalf of the former Rajasthan State an Instrument of Accession whereby he accepted as matters with respect to which the Dominion Legislature may make laws for the

said United State all the matters mentioned in Lists I and III of Seventh Schedule to the Government of India Act, 1935, except the entries in List I relating to any tax or duty;

AND WHEREAS by Covenant entered into in April 1949, the Rulers of the said fourteen States have with the consent of the Government of India agreed that the former Rajasthan State should be reconstituted by the integration of the territories of all the fourteen States into a single State known as the United State of Rajasthan, referred to in this Instrument as "the United State";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable and in any event not later than the fifteenth day of April 1949, execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act, 1935, and in place of the Instrument of Accession of the former Rajasthan State and the Instruments of Accession of the new Covenanting States, whereby he shall accept as matters in respect to which the Dominion Legislature may make laws for the United State all the matters specified in the Instrument of Accession of the former Rajasthan State;

NOW, THEREFORE, I, Maharajadhiraja Sawai Sir Man Singhji Bahadur, Raj Pramukh of the United State of Rajasthan, do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provisions of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contained any provisions repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6 The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall

at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947 and May, 1948 by the Rulers of the new Covenanting States and the Raj Pramukh of the former Rajasthan State are hereby cancelled.

Given under my hand this fifteenth day of April, 1949.

S. MAN SINGH OF JAIPUR,  
Raj Pramukh of the United State of Rajasthan.

I do hereby accept this Instrument of Accession.

Dated this twelfth day of May Nineteen hundred and forty-nine.

C RAJAGOPALACHARI,  
Governor-General of India.

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#### Travancore—Cochin

WHEREAS by Instruments of Accession executed in August 1947 the Rulers of the States of Travancore and Cochin have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in May 1949, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the United State of Travancore and Cochin, in this Instrument referred to as "the United States";

AND WHEREAS by Article IX of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable

execute on behalf of the United State a fresh Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act, 1935, accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the said Act, except matters relating to taxation;

NOW THEREFORE, I Sri Padamanabha Dasa Vanchi Pala Sir Bala Rama Varma Kulasekhara Kiritapati Manney Sultan Maharaja Raja Ramaraja Bahadur Shamsher Jung, Rajpramukh of the United State of Travancore and Cochin, do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or any existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of the Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any further constitution of India or to letter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.



10. The Instruments of Accession executed in August, 1947, by the Rulers of the States of Travancore and Cochin are hereby cancelled.

Given under my hand this 14th day of July 1949 .

RAMA VARMA,  
Raj Pramukh of the United State of  
Travancore & Cochin.

I do hereby accept this Instrument of Accession.

Dated 15th day of August, Nineteen hundred and forty-nine.

C. RAJAGOPALACHARI,  
Governor-General of India.

## APPENDIX L

SUPPLEMENTARY INSTRUMENT OF ACCESSION OF  
HIS HIGHNESS THE MAHARAJA OF MYSORE.

WHEREAS by virtue of an Instrument of Accession executed by me on the ninth day of August, 1947, and accepted by the Governor-General of India on the sixteenth day of August, 1947, the State of Mysore has acceded to the Dominion of India;

AND WHEREAS it is expedient that the said Instrument of Accession should be varied by extending the functions which by virtue of that Instrument are exercisable by any Dominion authority in relation to the said State;

NOW THEREFORE, I Jaya Chamaraja Wadiyar, Ruler of the State of Mysore do hereby execute this Supplementary Instrument and declare that as from the date on which this Supplementary Instrument is accepted by the Governor-General of India, the terms of my Instrument of Accession dated the 9th August 1947, shall have effect subject to the following variations, namely:—

1. In paragraph 1 of the said Instrument of Accession, for the words and figures 'on the fifteenth day of August, 1947' the words and figures 'on the First day of June, 1949' shall be substituted.

2. For paragraph 3 of the said Instrument of Accession, the following paragraph shall be substituted, namely:—

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature make laws for this State:

Provided that nothing contained in the said List or in any other provisions of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in this State or any part thereof, or to prohibit the imposition of any duty or tax by the Legislature of this State in the said territories or any part thereof:

Provided further that where a law of this State with respect to one of the matters enumerated in the said List III contains any provisions repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then if, the law of this State having been reserved for the consideration of the Governor-General of India has received the assent

of the Governor-General, the law of this State shall prevail in this State, but nevertheless the Dominion Legislature may any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of this State, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

3. After paragraph 4 of the said Instrument of Accession, the following paragraph shall be inserted, namely:—

“4A. I further declare that the provisions contained in Part VI of the Act with reference to interference with water supplies shall apply in relation to this State.”

4. The Schedule to the said Instrument of Accession shall be cancelled.

Given under my hand this First day of June 1949.

JAYA CHAMARAJA WADIYAR,

*Maharaja of Mysore.*

I do hereby accepted this Supplementary Instrument of Accession.

Dated this 23rd day of June, Nineteen hundred and forty-nine.

C. RAJAGOPALACHARI.

Governor-General of India.

## APPENDIX LI

S.O. 35

### THE PROVINCES AND STATES (ABSORPTION OF ENCLAVES). ORDER, 1950.

WHEREAS certain small areas forming part of certain Provinces or Acceding States are surrounded by the territories of certain other Provinces or Acceding States;

AND WHEREAS it is expedient that these enclaves should be included, in and form part of, the Provinces or Acceding States by the territories of which they are surrounded;

AND WHEREAS the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the enclaves forming part of the Acceding States;

AND WHEREAS in accordance with the provisions of Sections 290, 290A and 290B of the Government of India Act, 1935 the Governor-General has ascertained the views of the Governments of the Provinces concerned both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein;

NOW THEREFORE, in exercise of the powers conferred on him by the said sections and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Provinces and States (Absorption of Enclaves) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

2. In this Order,—

(a) “appointed day” means the date of the commencement of this Order;

(b) “enclave” means any area specified as such in any of the Schedules to this Order;

(c) “unit” means a Governor’s Province, a Chief Commissioner’s Province or an Acceding State specified in any of the Schedules to this Order;

(d) “surrendering unit” and “absorbing unit”, in relation to an enclave specified in a Schedule mean, respectively, the units specified as such above that enclave in that Schedule;

(e) “Schedule” means a Schedule to this Order.

3. (1) As from the appointed day, every enclave specified in the First Schedule shall cease to form part of the surrendering unit, and shall be included in, and form part of, the absorbing unit.

(2) The boundaries of each of the surrendering units specified in the First Schedule shall be so altered as to exclude from them the enclaves therein specified under it; and the boundaries of each of the absorbing units therein specified shall be so altered as to comprise within them the enclaves therein specified under it.

4. As from the appointed day,—

(a) every enclave specified in the Second Schedule shall cease to form part of the surrendering unit, and the boundaries of that unit shall be so altered as to exclude from them that enclave; and

(b) every such enclave shall be administered in all respects by the absorbing unit as if it formed part of that unit.

5. As from the appointed day every enclave specified in the Third Schedule shall be administered in all respects as if it formed part of the absorbing unit.

6. All property and assets within an enclave which, immediately before the appointed day, vested in the Government of the surrendering unit shall, as from that day, vest in the Government of the absorbing unit.

7. All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of a surrendering unit in relation to an enclave shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the Government of the absorbing unit.

8. All laws in force in an enclave immediately before the appointed day shall, as from that day, cease to be in force in that enclave, and all laws in force in the absorbing unit shall, as from that day, extend to, and be in force in, that enclave:

Provided that anything done or any action taken under the laws in force in the enclave before the appointed day shall be deemed to have been done or taken under the corresponding law extended to, and in force in, that enclave as from the appointed day.

*Explanation:—*In this article “law” includes any Act, Ordinance or Regulation, and any notification, order, schedule, rule, form or bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

9. (1) The Government of each of the absorbing units shall, by order notified in the official Gazette, provide for the administration of the enclaves, either by constituting them or any part of them into one or more

new districts, or by making them or any part of them part of one or more existing districts, or partly by one and partly by the other of the said methods, and may make such further provisions as appears to it to be necessary or expedient for removing the difficulties arising in connection with the absorption of the enclaves in the unit.

(2) Any Order made under this Article may be made so as to be retrospective to any date not earlier than the appointed day.

(3) Any Order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Legislature of that unit.

(4) No order shall be made under this Article after the expiration of six months from the appointed day.

### THE FIRST SCHEDULE

[See Article 3]

#### *Enclaves Transferred from one Province to another Province*

I. Surrendering Unit:—Central Provinces and Berar.

Absorbing Unit:—Vindhya Pradesh.

Enclaves transferred:—

1. Budera village of Banda Tahsil, District Saugor.
2. The following villages of Hatta Tahsil, District Saugor:—  
Madanwa (Bhensroi) Kupi, Udla.
3. The following villages of Murwara Tahsil, District Jubbulpore:—  
Mand, Banjaria, Gundan, Pitehra, Guraiya, Jhanjbar, Pachoha,  
Junwahi, Bara, Khalond and Kai.

II. Surrendering Unit:—East Punjab.

Absorbing Unit:—Himachal Pradesh.

Enclaves transferred:—

1. Solan Cantonment.
2. Kothkhai.
3. Kotgarh.

III. Surrendering Unit:—Himachal Pradesh.

Absorbing Unit:—East Punjab.

Enclaves transferred:—

1. Built up areas of Sanjauli (201 acres), Barari (62 acres) and Chakkar (61 acres) (including Himachal Pradesh portion of Prospect Hill).

2. Built up area of Kasumpti (excluding the area in which Himachal Pradesh Courts are located) Area 203 acres.

IV. Surrendering Unit:—United Provinces (Uttar Pradesh).

Absorbing Unit:—Himachal Pradesh.

Enclaves transferred:—

Sansog and Bhattar villages of Chakrata Tahsil in Dehra Dun District.

V. Surrendering Unit:—United Provinces (Uttar Pradesh).

Absorbing Unit:—Vindhya Pradesh.

Enclaves transferred:—

1. The following villages of Jhansi District:—

(a) Tila, Kainan and Jugyai villages of Jhansi Tehsil.

(b) Jer, Khiston, Kharon, Jarua and Pahari Buzurg villages of Mau Tehsil.

2. Negawan village of Tehsil Kulpahar in District Hamirpur.

3. The following villages of Banda District:—

(a) Jai Baram, Matra Brahmanan, Khaddi and Silap villages of Tehsil Banda.

(b) Narainpur, Majhgawan, Nayagaon and Sidhpur Kalan villages of Tehsil Naraini.

4. Chaukhandi and Khoha villages of Tehsil Karchhana in District Allahabad.

VI. Surrendering Unit:—Vindhya Pradesh.

Absorbing Unit:—Central Provinces & Berar.

Enclaves transferred:—

1. The following villages of former Nagod State:—  
Harduwa, Pipra and Chori.

2. Dhanwahi and Kherwa villages of former Maihar State.

3. The following villages of former Panna State:—

Kherpura, Patha, Dighi, Niwas, Dhoria, Madanpura, Syamer, Singhi, Bhechmai, Udaipura, Baudha, Paira and Paperi.

4. The following villages of former Bijawar State:—

Sewra, Barkhera and Seondha.

VII. Surrendering Unit:—Vindhya Pradesh.

Absorbing Unit:—United Provinces (Uttar Pradesh).

**Enclaves transferred:—**

1. Math and Rampur villages of former Orchha State.
2. The former Samthar State consisting of 101 villages.
3. The following villages of former Datia State:—

Samī, Baroda, Pulia, Bannao, Padri, Babli, Girwasa, Dogkhajrai, Khajuri, Akrol, Dong Akrol, Garaia, Duggattia, Sajera, Dugsajera, Kurcholi, Dung Chabria, Kemra, Nadi Gaon, Dung Kherai, Beri Dong, Chandu Pura, Kampura, Khera, Parsani, Dhasuri, Simora, Jaitpura, Chilora, Mohammad Pura, Bhoahahi, Sipura, Salampura, Barkara, Sikuribujurg, Pajania, Arjunpura, Akinwa, Bara, Jabalpura, Amkhara, Dhanori, Sabali Bujurg, Adlispura, Babupura, Katpuri Bhim, Katpuribhoj, Panasi, Katpuri Bujurg, Chakwahi, Jakhela, Sikandarpura, Alampura, Janeshpura, Lalpura, Shikari Khurd, Basit, Rajipura, Sirsajpura, Dogarpur, Karmara, Mehanpura, Babini, Rampura, Jara, Killa, Kanehari, Masodpura, Tiliphpura, Sahpura, Mahalpura, Kharaundi Khurd, Anspuri, Chintapura, Rura, Dabri, Seoni Khurd, Beona, Gangthara, Ranipura, Jhillara, Raipura.

4. The following 28 villages of former Orchha State:—

Bachawali, Barethi, Berisalpur, Muratha, Lohargaon, Kolasra Ghat, Kalyanpur, Budhupura, Bagra Bagri, Laundi, Bhandokar, Amli, Sirwo, Dadpura, Dadpura (Jagir), Chokari, Pattha Karka, Rampur, Jalwauli, Sedna, Jhala, Gundaha, Tahauli Kalan, Dhawari, Tai, Majra Tai, Silauri and Madhpura.

5. The former Dhurwai State consisting of nine villages.
6. The former Tori Fatehpur State consisting of thirteen villages.
7. Banka Pahari village of former Banka Pahari State.
8. The following villages of former Bijna State:—

Bagrani, Bhawara, Bijna, Haboli and Basar.

9. The following villages of former Garrauli State:—

Richora, Sataura, Slipura, Lokharia, Padaria, Kanora, Amanpura, Banchor, Salat and Bhataura.

10. The former Bihat State consisting of 9 villages.
11. Rabai and Churari villages of former Naigawan Rebai State.
12. The former Jigni State consisting of 6 villages.
13. The former Sarila State consisting of 11 villages.
14. The former Baoni State consisting of 52 villages.



15. The former Beri State consisting of 12 villages.
16. Nimahipur, Bankolan Kalan, Sahban and Ladpahari villages of former Ajaigarh State.
17. The former Baraundha State consisting of four villages.
18. The following 18 villages of former Paldeo State:—  
Baroti, Lakoria, Baglai, Padri, Chakla Gurbaba, Dhar Thol, Bibra, Rampura, Kharaha, Hariharpur, Dugwan, Rampur, Makundpur, Mabai, Linjha, Makra Khurd, Makri Kalan and Rehumta.
19. The former Bhaisaundha State consisting of 5 villages.
20. Chhamu village of former Rewa State.
21. The former Taraon State consisting of 15 villages.
22. The following villages of Pahra State:—  
Pahra, Bhikampur, Bharatpur, Mabai, and Sheorajpur.
23. The following villages of former Charkhari State:—  
Pahra, Bhikampur, Bharatpur, Mabai, and Sheorajpur.  
Beri, Kunwa, Pipwara, Pahartha, Garhari, Patha, Kaneri, Salwa, Kamlkhera, Sirhar, Katroli, Rehuniyan, Bihari, Sijora, Kakun, Bamahaurikalan, Purura-Bajpai, Tiratipura, Bamheria, Natari, Panchampura, Jatora, Kumai, Rawai, Markui, Jawari, Latora Santoshpura, Nib Bari, Garrauli, Ururi, Dumduma, Khirya, Guptmauk, Kohari, Chani-khurd, Sabuba, Kutama, Bamahauri Khurd, Patishtha, Bakhretha, Ragal, Gurha, Lowpuri, Dhurwai, Bijalpur, Sudamapuri, Kaneda, Rajora, Kakra, Bamlitha, Notara, Barikera, Imlikhera, Bamrara, Roshanpura, Sohjana, Itwan, Malkhanpur, Udaipura, Rainpur, Maharajnagar, Rupnagar, Schargaon, Fatehpur, Majhor, Jardingjanj, Mitlenganj, Bagraun, Dayalpura, Karoradang, Milya, Maharajpura, Gopalpura, Brajpura, Mahauli, Badanpur, Aurera, Padra, Akonu, Chakbangaon, Kazipur, Bahgaon and Kudar.

## THE SECOND SCHEDULE

[See Article 4]

*Enclaves transferred from a Province to an Acceding State*

1. Surrendering Unit:—Bombay.  
Absorbing Unit:—Rajasthan.

**Enclaves transferred:—**

Varanba and Sarvana villages of former Wav State.

**II. Surrendering Unit:—Bombay.**

**Absorbing Unit:—Saurashtra.**

**Enclaves transferred:—**

1. The following villages of Viramgam Taluka in Ahmedabad District:—

Derwala, Dhanchi, Gedia, Kherwa, Modhwana, Sakar, Savlana and Tanmania.

2. The following villages of Ranpur Mahal in Ahmedabad District:—

Bhadla Mota, Bodana, Chorvira, Gangajal, Goraiya, Harania, Loya, Matra Nana, Nadala, Nagadka, Ninama, Noli, Ori, Samadiala, Sangoi and Shekhdod.

3. Bhader and Bhalgam villages of Dhari Taluka in Amreli District.

4. Khakhbai and Ningala villages of Khambha Mahal in Amreli District.

5. The following villages of Damnagar Mahal of Amreli District:—  
Ganeshgad, Ishvaria, Rupavati and Shiyanager.

6. Bhimkatta and Pati villages of Okhamandal Taluka in Amreli District.

7. Muglana and Navagam Mota villages of Ghogho Mahal in Amreli District.

8. Panavi and Muldhari villages of Dhanduka Taluka of Ahmedabad District.

**III. Surrendering Unit:—Central Provinces and Berar.**

**Absorbing Unit:—Madhya Bharat.**

**Enclaves transferred:—**

The following villages of Khandwa Tehsil in District Nimar:—

Nagawan, Laundi, Bijgohan, Shahpur Kanapur, Dalchi, Selda, Balahad, Katora, Sangwi, Kheri, Rawer, Pachla, Kankaria, Jaikher, Phangaon, Bhogawan Sipani, Mahegaon, Tajpura, Bhogawan, Nipani, Khanpura, Takli, Dobhar, Lachhera, Kalau, Jamnia, Amba, Beria, Khas Bagda Buzrug, Barud, Khurd, Guraria, Tamolia, Amarpura, Nimkheri, Chitawad, Bhulgaon, Nilkanth, Raharkot, Arsi Mirzapur, Barud:

NOTE.—Total area 93.28 sq. miles including 18 sq. miles of Reserve Forest and the Government tank at Lachhora.

IV. Surrendering Unit:—East Punjab.

Absorbing Unit:—Patiala and East Punjab States Union,

Enclaves transferred:—

1. Dagshai.
2. Barauli including Sabattu.
3. Sanawar.
4. Kasauli.
5. Khallag.
6. Kala.
7. The following 40 villages of Tahsils Samrala and Ludhiana in Ludhiana District:—  
Gajan Majra, Rurki Kalan, Rurki Khurd, Ladewal, Dheromajra, Jabomajra, Sandhur, Manke, Khiali, Sanor, Chakrohi, Chan-anwal, Raisar, Bhotna, Chung, Bidhata, Shehana, Burj Fatehgarh, Patti Darska, Malianwala, Kaira, Bakhatgarh, Pakhoke, Chima, Jodhpur, Pholewal, Sandharkhurd, Ghanda Banna, Dhapali, Dhingarh, Alike, Jathoke, Gharehi, Bhunder, Chaoke, Pirkot, Bhaini Chuahar, Bhupwali, Bagriam and Jandiali Kalan.
8. One enclave of Police Station Budhlada of Hissar District consisting of 15 villages.
9. The following 32 villages of Tahsils Kaithal and Thanesar in Karnal District:—  
Bibipur Khurd, Dhandhian, Naraingarh, Gutmenrha, Bishangarh, Katakheri, Khakot Khurd, Budhanpur, Jattan, Baran, Sidhowal, Rakherha, Main, Mardanheri, Nanansu, Batoi, Khurd, Shadpur, Fatehpur, Kakra, Mavi, Chatehrha, Tul-lewal, Kishangarh alias Darola, Daroli, Nasurpur, Asarpur, Toddarpur, Jamalpur, Paharpur, Danipur-Khudadadpur, Harigarh-Butasinghwa, Kharyal, Rattakheri.
10. One enclave consisting of the following 16 villages of Tahsil Kharar in Ambala District:—

Bibipur, Batta, Silkpara, Sil, Lonon, Mulanpur, Sadiqpur, Kaj-jalmai, Garangan, Ghugha Kheri, Malan Majri, Roopa Heri,

Kheri Birusingh, Dadiana, Railon, Bhaganpur and Gadh Hera.

V. Surrendering Unit:—East Punjab.

Absorbing Unit:—Rajasthan.

Enclaves transferred:—

1. The following villages of Tehsil Ferozepur Jhirka in District Gurgaon:—

Fatehpur, Ghatmika, Gajuka, Hasamdika.

2. The following villages of Tehsil Rewari in District Gurgaon:—  
Sansairi, Shahjahanpur, Folsadpur Boari and Chaubara.

VI. Surrendering unit:—Madras.

Absorbing Unit:—Mysore.

Enclaves transferred:—

1. The following villages of Madakasire Taluk of District Anantapur:—

Burdakunte, Palyam, Bettur, Kanajanahalli, Bettagaudawahalli, Honnapuram, Kotagerlahalli, Ballasamudram, Bhilmanakunta, Sarjammanahalli, Badigondanahalli, Virpugoodanahalli, Erragattupalim, Bullasamudram, Tsautikuntapalli, Narasapwiam.

2. The following villages of Salem District:—

Balapanapalli, Rayasandiram, Tolasandodi, Tulukanapalli, Angisattipalli, Arleri, Karagatannapalli, Upparapalli, Kunjenahalli, Turusandapalli, Ettakodi, Adesundatti, Bandapuram, Agraharam, Madivalam, Settipalli, Chattihallikere, Moreasure, Nagnyakkanapalli.

The following villages of Goondapur Taluk in District South Canara:—

Ratihalli, Gurtakair, Benhatti, Habbige, Hennarmagane R.F., Birdemaru, Bailgi, Honnar, Shirar, Kote Shirur, Baijkal, Lakmane, Nittur, Mairugudda, Kottegudda, Manchagalale, Nagodi, Hoshalli, Malekoppa, Nittur, Markatka, Gachika, Kalkamadi, Hologaru, Nagodi, Hosagudde, Halumane, Garte, Menasinagudde R.F., Hologarugudda, Honnar Magane R.F., Uruthi.

VII. Surrendering Unit:—Madras.

Absorbing Unit:—Travancore and Cochin.

Enclaves transferred:—

1. The following areas of Tirunelveli District:—

Anjengo (100 acres), Thangasseri (275 acres) and Panagudi (15, 15 acres).

2. The following areas of Malabar District:—

Theneri (82, 58 acres), Vadavannur (68, 41 acres), Peruvemba (51, 72 acres), Kootallur (4, 81 acres), Elapully (31, 06 acres), Elavancheri (6, 06 acres), Panayur (11, 84 acres) and Palathulli, (1,62 acres).

**VIII. Surrendering Unit:—United Provinces (Uttar Pradesh)**

Absorbing Unit:—Madhya Bharat.

Enclaves transferred:—Katha village of Tehsil and District Jalaun.

**IX. Surrendering Unit:—United Provinces (Uttar Pradesh)**

Absorbing Unit:—Rajasthan.

Enclaves transferred:—

1. Phulwara village of District Muttra.

2. The following villages of District Agra:—

Mai Gujar, Samauna, Indauli, Jarga.

**X. Surrendering Unit:—Bhopal.**

Absorbing Unit:—Madhya Bharat.

Enclaves transferred:—

1. The following villages of Ashta Tehsil:—

Dodi, Haru Kheri, Semli Khera.

2. The following villages of Piklon Tehsil:—

Deoli, Sankrod, Bhainswaya, Nah, Suneti, Ram Nagar, Chopra, Bisrai, Birsaya, Mala, Piklon.

3. The Parlia Mohibba village of Jawar Tehsil.

4. The following villages of Sehore Tehsil:—

Jamner, Unchod.

**XI. Surrendering Unit:—Himachal Pradesh.**

Absorbing Unit:—Patiala and East Punjab States Union.

Enclaves transferred:—

Two small portions of Himachal consisting of Rampur Vanka and Kotah villages lying between Simla and Bharauli.

**XII. Surrendering Unit:—Vindhya Pradesh.**

Absorbing Unit:—Madhya Bharat.

Enclaves transferred:—

1. The following villages of former Khaniadhana State:—

Pura, Dharampura, Mahrauli, Badali, Bineka, Ganesh Khara, Sanawal Kalan, Deori, Kumhari, Badanpur, Dabia, Khairia, Urahi, Nimkhera, Kanchanpur, Silawal Khurd, Himatpur, Durgapur, Silpura, Pothai, Kundoli, Nadanwara, Mudia, Khaniadhana, Jalimpur, Panihara, Hukumpur.

2. The following villages of former Orcha State:—

Garrera, Rajapur.

3. The following villages of former Datia State:—

Barodi, Sawawali Khurd, Tal Bheo, Birpur, Atta, Mau, Toria Kalan Toria Khurd, Leda, Jagdor, Phuskar, Reo, Chhareta, Gaigahari Dabri, Taka Bujurg, Taka Khurd, Sohdownra, Bhusalai Khurd, Beri Nokora, Rai Neja, Pali Pawari, Pardhana, Piprauli, Kamanpura, Naganpur, Bisaipur, Bader, Chanderi, Kurgawana, Barkachari, Bedna, Kodila, Kolaria, Kumaria Rai, Lohrahawaili.

### THE THIRD SCHEDULE

[See Article 5]

*Enclaves Transferred from an Acceding State to a Province.*

- I. Surrendering Unit:—Mysore.

Absorbing Unit:—Madras.

Enclaves transferred:—

1. The following villages of Molakalmurru Taluk, District Chittaldurg:—

Jodi Kasenaikanahalli, Gauripura, Jodi Bommunhalli, Bommagatta, Sarva, Inam Oblapura and Budenahalli.

2. The following villages of Bangarpet Taluk in District Kolar:—

Vardikuppa, Bayapparaddihalli, Jodi Volgalkuppa, Kayamgutta, Harakchinnahalli, Gollahalli, Hosapete and Chinnaradoddi.

3. Kaladasapura village of Malur Taluk, District Kolar.

4. Badagalpur village of Chamrajnagar Taluk in Mysore.

- II. Surrendering Unit:—Patiala and East Punjab States Union.

Absorbing Unit:—East Punjab.

Enclaves transferred:—

1. The following 24 villages of sub-Tehsil Bhunga of Kapurthala, Abbawal, Badala, Baich, Bhatonlian, Bhunga, Chak Khela, Daulat Pur, Dhoot, Dhaulowal, Goraya, Hajipur, Hussainpur, Kabirpur, Koont, Kotli, Lalowal, Nadali, Noorpur, Pandori, Phumbra, Sandhar, Sotla, Shababdin and Taggar.
2. The following villages of Tehsil Sirhind, in Fatehgarh District:—  
Machhiwara, Khanpur, Kotla, Salana, Hiattapura, Gausgarh, Raipur, Akalgarh, Haidon, Loharian, Garhi Sainian, Bhurla, Sharian, Majri Sikhian, Chaurian, Sarwatgarh, Bahumajra, Kauri, Bhatian, Libera, Ikolahi, Iraq, Dhandra, Kotla, Kiri Afghanistan, Dolran, Bassi Gujran, Shamashpur, Amargarh, Mansurpur, Jatana Uncha, Khamanonkamli, Khamanon-Kalan, Fraur, Maheshpura, Ranama, Balaspur, Thikriwal, Bhambri, Bhatian Kalan, Sanghol, Bhattan Khurd, Bhota, Chari, Bhamian, Dalwan, Mohan Majra, Pani-Chan, Khera, Raipur Rainan, Jhadiala, Ramgarh, Lakhanpur, Jatana Newan, Manderan, Khamanon Khurd, Amrara, Dhianomajra, Kalewal, Polomajra, Naglan, Raia and Bir Ramgarh.
3. Four Revenue Estates of Kapurthala near Jullundur City:—  
Bastinau, Bastishahkuli, Kotla and Kotsaddiq.
4. The following 6 villages in Bhatinda District:—  
Lakhnaurasahib, Mohri, Kialmajra, Tejan, Nadiali and Khera.
5. Sub-Tehsil Bawal of Magindargarh District divided into two enclaves and comprising 75 villages.
6. Two enclaves of Tehsil Rajpura District Patiala consisting of 6 villages.
7. Chhachrauli area of former Kalsia State (excluding villages of Police Station Dera Sassi) consisting of 115 villages including 13,228 acres of the following Forests area:—  
Bagpat, Khallanwala, Kansali, Jakkan, Shehzadwala, Darpur, Ibrahimpur, Jatanwala, Taharpur, Salimpur Kohi, Ban Santor and Khol Fatehgarh.

**III. Surrendering Unit:—Patiala and East Punjab States Union.**

Absorbing Unit:—Himachal Pradesh.

Enclaves transferred:

1. The area called Kufri of Pinjaur District.
2. The following villages of former Nalagarh State:—

Dhar Khulag, Goila, Jamrarha, Nathal, Kunjiara, Sureta and Baragraon Jungle.

IV. Surrendering Unit:—Rajasthan.

Absorbing Unit:—Bombay.

Enclaves transferred:—Mial village of former Jodhpur State.

V. Surrendering Unit:—Rajasthan.

Absorbing Unit:—East Punjab.

Enclaves transferred:—Khori and Neemkhera villages of former Bharatpur State.

VI. Surrendering Unit:—Rajasthan.

Absorbing Unit:—United Provinces (Uttar Pradesh).

Enclaves transferred:—

The following villages of former Bharatpur State:—

Nagla Borha, Nagori, Umri, Shanspur, Bad, Bhainsa, Dharam-pura, Karahi and Khera Jat.

VII. Surrendering Unit:—Saurashtra.

Absorbing Unit:—Bombay.

Enclaves transferred:—

1. The following villages of former Limbdi State:—

Fatepur, Gounjar, Pachham and Ratanpur.

2. Otaria and Sandhida villages of former Bhavnagar State.

3. The following villages of former Lakhtar State:—

Jalampur, Karakthal, Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.

4. Mithapur and Odki villages of former Dasada State.

5. The following villages of former Jetpur State:—

Khijidiya, Pania and Venivadar.

6. The following villages of former Lakhapadar Thana:—

Ghadia, Kaner, Lakhapadar, Nini-Garmli, Patla and Vaghavdi.

7. Khantadi Village of former Eastern Kathiawar States Agency.

VIII. Surrendering Unit:—Travancore and Cochin.

Absorbing Unit:—Madras.



**Enclaves transferred:—**

1. The following areas of former Cochin State:—

Isolated bit of Nalleppali village (117 acres 30 cents),

Isolated bit of Chittoor village (31 acres 99 cents),

Thathamangalam village (159 acres 89½ cents) and

Vallanazhi village (51 acres 19 cents).

C. RAJAGOPALACHARI,

*Governor-General.*

## APPENDIX LII

### S. O. 36

#### THE INDIA AND HYDERABAD (EXCHANGE OF ENCLAVES) ORDER, 1950

WHEREAS by Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad, it has been decided to effect, as from the twenty-fifth day of January, 1950, a mutual exchange of certain enclaves forming part of the State of Hyderabad with certain enclaves forming part of the Dominion of India in the Provinces of Madras and Bombay;

AND WHEREAS it is expedient to provide for the said exchange and for certain matters arising therefrom:

AND WHEREAS the Governor-General has ascertained the views of the Governments of Madras and Bombay both with respect to the proposal to make this Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred on him by section 290 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the India and Hyderabad (Exchange of Enclaves) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

2. In this Order,—

(a) "Agreement" means the Agreement set out as an Annexure to this Order, being the Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad;

(b) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List;

(c) "enclave" means any of the Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay;

(d) "absorbing Province", in relation to an enclave, means the Province in which that enclave is included by the provisions of this Order;

(e) all expressions defined in Article I of the Agreement and used in this Order shall have the same meanings as in the Agreement.

3. As from the appointed day,—

(a) the Madras enclaves in Hyderabad shall cease to form part of the Province of Madras;

(b) the Hyderabad enclaves in Madras shall be included in and form part of, the Province of Madras;

(c) the boundaries of the Province of Madras shall be so altered as ~~to~~ exclude from them the Madras enclaves in Hyderabad and to comprise ~~within~~ them the Hyderabad enclaves in Madras.

4. As from the appointed day,—

(a) the Bombay enclaves in Hyderabad shall cease to form part of the Province of Bombay;

(b) the Hyderabad enclaves in Bombay shall be included in, and form part of, the Province of Bombay;

(c) the boundaries of the Province of Bombay shall be so altered as ~~to~~ exclude from them the Bombay enclaves in Hyderabad and to comprise ~~within~~ them the Hyderabad enclaves in Bombay.

5. All property and assets within an enclave which, immediately before the appointed day, vested in the Government of Hyderabad shall, as from ~~that~~ day, vest in the Government of the absorbing Province, except such property and assets as were immediately before ~~that~~ day, held by the Government of Hyderabad for central purposes.

6. All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in relation to an enclave shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the Government of the absorbing Province, except such of the said rights, liabilities and obligations as are relatable ~~to~~ central purposes.

7. All laws in force in an enclave immediately before the appointed day, shall, as from that day, cease to be in force in that enclave, and all laws in force in the absorbing Province shall, as from that day, extend to, and be in force in, that enclave:

Provided that anything done or any action taken under the laws in force in the enclave before the appointed day shall be deemed to have

been done or taken under the corresponding law extended to, and in force in, that enclave as from the appointed day.

*Explanation.*—In this Article, “law” includes any Act, Ordinance or Regulation and any notification, order, scheme, rule, form and bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

8. (1) The Government of each of the absorbing Provinces shall, by order notified in the official Gazette, provide for the administration of the enclaves included in the Province, either by constituting them or any part of them into one or more new districts, or by making them or any part of them part of one or more existing districts, or partly by one and partly by the other of the said methods, and may make such further provision as appears to it to be necessary or expedient for removing the difficulties arising in connection with the absorption of the enclaves in the Province.

(2) Any order made under this Article may be made so as to be retrospective to any date not earlier than the appointed day.

(3) Any order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Legislature of that Province.

(4) No order shall be made under this Article after the expiration of six months from the appointed day.

## ANNEXURE

AGREEMENT made this twenty-third day of January 1950 between the Governor-General of India and the Nizam of Hyderabad.

WHEREAS certain small areas forming part of the State of Hyderabad are surrounded by the territories of the Dominion of India and certain small areas forming part of the Dominion of India are surrounded by the territories of Hyderabad;

AND WHEREAS it is in the best interests of the people of the said areas that mutual exchange of these enclaves should be effected;

It is hereby agreed as follows:—

### *Article I*

In this Agreement,—

(a) “appointed day” means the twenty-fifth day of January, 1950;

(b) "Hyderabad enclaves in Madras" and "Hyderabad enclaves in Bombay" mean, respectively, the areas specified in Parts A and B of the First Schedule to this Agreement, being areas now forming part of Hyderabad but surrounded by the territories of the Dominion of India in the Provinces of Madras and Bombay, respectively;

(c) "Madras enclaves in Hyderabad" and "Bombay enclaves in Hyderabad" mean, respectively, the areas specified in Parts A and B of the Second Schedule to this Agreement, being areas now forming part of the Dominion of India in the Provinces of Madras and Bombay, respectively, but surrounded by the territories of Hyderabad;

(d) "Hyderabad" means the State of Hyderabad.

#### *Article II*

As from the appointed day,—

(a) the Hyderabad enclaves in Madras and the Hyderabad enclaves in Bombay shall cease to form part of Hyderabad and shall be included in, and form part of, the territories of the Dominion of India; and

(b) the Madras enclaves in Hyderabad and the Bombay enclaves in Hyderabad shall cease to form part of the Dominion of India in the Provinces of Madras and Bombay, respectively, and shall be included in, and form part of, Hyderabad.

#### *Article III*

As from the appointed day,—

(a) all property and assets within the Hyderabad enclaves in Madras or within the Hyderabad enclaves in Bombay, which, immediately before that day, vested in the Government of Hyderabad, shall vest in the Dominion of India, unless the Governor-General of India by statutory order provides for the vesting of any such property or assets in the Province of Madras or Bombay, as the case may be;

(b) all property and assets within the Madras enclaves in Hyderabad or within the Bombay enclaves in Hyderabad which, immediately before the appointed day, vested in the Dominion of India or the Province of Madras or the Province of Bombay shall, as from that day, vest in the Government of Hyderabad.

#### *Article IV*

As from the appointed day,—

(a) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in relation to the

Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay shall, respectively, be the rights, liabilities and obligations of the Government of the Dominion of India, unless the Governor-General by statutory order provides for any of those rights, liabilities and obligations being the rights, liabilities and obligations of the Province of Madras or Bombay, as the case may be; and

(b) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of the Dominion of India or of the Province of Madras or of the Province of Bombay in relation to the Madras enclaves in Hyderabad or the Bombay enclaves in Hyderabad, shall, respectively, be the rights, liabilities and obligations of the Government of Hyderabad.

## THE FIRST SCHEDULE

### PART A

#### *Hyderabad enclaves in Madras*

The following villages of Madhira Taluq, Warangal District:—

Kodavatkallu including the hamlets of Ustepalli and Kondapeta, Patiala, Rattuipadu, Mogaluru, Atkuru, Peta, Tekalpalli, Santapalli, Gangapadu, Kotturu, Pullarlamudi, Chikal-gudam, Buruvacha, Malavalli, Pullampad.

### PART B

#### *Hyderabad Enclaves in Bombay*

1. Belwara village of Patoda Taluka in District Bid.
2. Borgaon village of Osmanabad Taluka in District Osmanabad.
3. The following villages of Parenda Taluka in District Osmanabad:—  
Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jangaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpunwadi, Kairuo, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irja and Tawarwadi.
4. Andewadi (J) village in District Gulburga. Kakerbli, Madbal, and Dholar villages in Jeevargi taluq.
5. Bhatnoor and Nagarbetta villages in Taluq Shorapur.
6. Gadesankpur village in Taluq Lingsugur.

7. The following villages in Taluq Kushtagi:—

Mullapur (J), Sarjapur, Santgira, Baleguda, Chigalgundi, Hanam-sagar, Kurbanal (J), Itgi (J), Gulguli (J), Mugli.

8. Hirलगुंदी (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad:—

Raulgaon, Astha, Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon, Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baberwadi, Waloja, Degaon, Sasoor, Ghorpadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Sakle-wadi, Kalman, Maslachowadhari, Padshli, Wangi, Inchgaon, Khaneshwar, Bhoir, Ranmasla, Dharpal, Nanaj, Mohtechi-wadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid:—

Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Agbi, Khamgaon, Dhanora, Fakhirabad, Halgaon, Nanj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodegaon, Borgaon, Dimeshwar.

Note.—‘J’ shown against a village indicates Jahagir.

## THE SECOND SCHEDULE

### PART A

#### *Madras Enclaves in Hyderabad*

1. The following villages in Lingagiri Group of District Kistna:—

Kalvapalli, Kavasaram Guddam, Sarva Varam, Laxmi Puram, Linga Giri, Lekka Varam, Srinivas Puram, Sitaram Puram, Kundish Guddam, Ganuga Banda, Amravaram, Ayanna Guddam (Anjneyapuram).

2. The following villages of District Warangal:—

Mulu Kumadeo (Mulugumadu), Malla Varam and Rumapi Malla (Rumpimalla).

### PART B

#### *Bombay enclaves in Hyderabad*

1. The following villages of Nandgaon Taluka in District Nasik —

Kawithkhede, Anchalgaon, Balhegaon, Hingane Kanad, Sakegaon, Pokhat Kanad, Babul Khede, Khirdi Kanad, Salegaon, Malegaon, Bhokargaon.

2. The following villages of Chalisgaon in District East Khandesh:—

Narsingpur, Maranpur, Malpur, Vadali Pra Kanad, Bokangaon, Palasgaon, Banshendra, Hatnur, Jamadi Pra Kanad, Chapaner, Jalgaon Pra Kanad, Wodolwadi, Chikalthan, Withalpur.

3. Malunja (Budruk) village of Nevasa Taluka in District Ahmednagar.

4. The following villages of Putardi Taluka in District Ahmednagar:—

Arvi, Jhapewadi, Saroor, Kanujwadi, Koalwadi, Rakshas Bhawan, Hinganwadi, Gomalwadi, Hingalwadi, Pimpalwadi.

5. The following villages of Jamkhed Mahal in District Ahmednagar:—

Khokar Mohu, Ghogawadi, Buragwadi, Rupawadi, Shirasmarga, Kalwadi, Bandalwadi, Taratwadi, Deemakwadi, Soangaon, Murshidpur, Khelad, Dongargaon, Devi Nimbagaon, Kada, Seri (Khurd), Gandiwadi, Kansiwadi, Amwadi, Kaswadi, Brahmangacn, Bhalaoni, Hajipur, Handewadi, Amolner, Pimpalwandi, Pangri, Ambawadi, Maserwadi, Chendowadi, Jadowadi, Saradwadi, Bidarwadi, Depotwadi, Kusulamb, Godewadi, Bharatwadi, Nalwardi, Bongarkinni, Batachiwadi, Naskwadi, Pimpalgaon Dhar, Nirgudi, Kodewadi, Tirumalwadi, Bida wadi, Domri, Maibwadi, Ganjwadi, Bhidasangvi.

6. The following villages of Sholapur Taluka in District Sholapur:—

Hadalgi, Kukrambawadi, Thadala, Kukramba, Katachiwadi, Mangrole Sardwadi, Khandikarwadi, Arlibudruka, Kalegaon, Kesarjawalga.

7. The following villages of Barsi Taluka in District Sholapur:—

Savargaon, Upla, Wagoli, Kajla, Pawarwadi, Rajwadi.

8. Sonari Village of Karmala Taluka in District Sholapur.

9. Ainapur and Bhilwad villages of Sindgi Taluka in District Bijapur.

10. The following villages of Ron Taluka in District Dharwar:—

Hagdahal, Hirejungud, Hirebahadurinni, Hanmanhal.

In confirmation whereof His Exalted Highness the Nizam of Hyderabad and His Excellency the Governor-General of India have appended their signatures hereto.

MIR USMAN ALI KHAN,  
Nizam of Hyderabad.

C. RAJAGOPALACHARI,  
Governor-General.



## APPENDIX LIII

AGREEMENT made this twentieth day of January 1950 between the Rajpramukh of the United State of Rajasthan and the Rajpramukh of the United State of Madhya Bharat.

WHEREAS certain small areas forming part of the United State of Rajasthan are surrounded on all sides by the territories of the United State of Madhya Bharat and certain small areas forming part of the United State of Madhya Bharat are surrounded on all sides by the territories of the United State of Rajasthan;

AND WHEREAS it is in the best interests of the people of the said areas that a mutual exchange of these enclaves should be effected;

IT IS HEREBY agreed, with the concurrence of the Government of India, as follows:—

### *Article I*

In this Agreement.—

- (a) "Madhya Bharat" means the United State of Madhya Bharat;
- (b) "Rajasthan" means the United State of Rajasthan;
- (c) "enclaves in Madhya Bharat" means the area specified in the First Schedule to this Agreement being areas now forming part of Rajasthan but surrounded on all sides by the territories of Madhya Bharat;
- (d) "enclaves in Rajasthan" means the areas specified in the Second Schedule to this Agreement, being areas now forming part of Madhya Bharat, but surrounded on all sides by the territories of Rajasthan.

### *Article II*

As from the 24th day of January 1950,—

- (a) the enclaves in Madhya Bharat shall cease to form part of Rajasthan and shall become part of Madhya Bharat, and
- (b) the enclaves in Rajasthan shall cease to form part of Madhya Bharat and shall become part of Rajasthan.

### *Article III*

As from the aforesaid day,—

- (a) all property and assets within the enclaves in Madhya Bharat

which, immediately before that day, were vested in Rajasthan shall vest in Madhya Bharat, and all property and assets within the enclaves in Rajasthan which immediately before that day were vested in Madhya Bharat shall vest in Rajasthan; and

- (b) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Rajasthan in relation to the enclaves in Madhya Bharat and of the Government of Madhya Bharat in relation to the enclaves in Rajasthan shall, respectively, be the rights, liabilities and obligations of the Government of Madhya Bharat and of the Government of Rajasthan.

### THE FIRST SCHEDULE

#### LIST OF ENCLAVES IN MADHYA BHARAT

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1. The following villages of Tehsil Begum District Chittoor.

Kalpura, Tokra, Khokra, Kanwarji ka Khera, Khanpura, Jaswantpura, Pand Kuri, Palasia, Kanwalpura, Ranpur, Kanwarji ka Khera, Luwa, Manakpur, Sujanpura, Ralaita, Sanwaria, June Purana, Naya Purana, Bhanwar ka Rajpura, Fateh Kheri, Khora Kuri, Dingaria, Kulmia Uharan, Kolpura, Umedpura, Bora Kuri, Inderji ka Khera, Piplia Gurha.

2. The following villages of Tehsil Chhoti Sadri District Chittoor.

Bisalwas, Bharbharia, Sarwana Borkheri, Ucher, Piplia Waria, Lusuria, Sir ka Khera, Semli, Milki, Palsoda, Nal Khera, Ranpura, Hadmatia.

3. Bhanwar Kua village of Shahbad Pargana in Kotah District.

4. Nimrol village of former Dholpur State.

5. Chapon village of Sironj in former Tonk State.

### THE SECOND SCHEDULE

#### LIST OF ENCLAVES IN RAJASTHAN

---

1. The following villages of Tehsil Neemuch in District Mandsaur:—

Chirkheda (including Khera and Sedh), Miloni Khera (Meroli), Gangapur (including Khera Sundan), Bhandera, Arnia, Udaliavvas, Khajuria, Naithal, Majhawas, Surawas, Padliavvas,

Piplivyas, Surajpura J, Narabadia J, Pipliadeoda J, Koshial J, Radaikheda J, Karoli J, Bhatoli-Gujran J, Nimgoan, Jhadsadri J, Mewada J, madfia, Ghodakheda J, Bhutkheda J, Chadlia J, Pilana M, Utelheda M, Nikumbh J, Punaoli J, Pindoda J, Dhedasufaran J, Bhatolibrahman J, Kachumbra J, Padlia, Rajpura, Kesoda, Chatera M. (Gatod), Khedakundal J (Motipura), Nanumantiakundal, Chandoli, Basedikundal J (Nankia), Jalodia J, Bhukanganj, Bhichor, Pohampur, Nal, Basota, Allunpur, Mahesara, Muroli, Sheopura J, Nadwai, Amarkhal, Amalda-Jhalanpur, Narsinghpur, Bhanoda, Dewri, Madheopur, Bhawanipura, Gudha (including Kurantia), Nimods, Tejpura, Haripura, Annadpur, Tawa, Jhadol, Kishanpura, Hardeopura, Chawadia-Bhichor, Gopalpur, Kethoda, Madona, Bhawancha, Tukrai, Ramnagar, Nayagaon, Basifatehpur, Raeti, Awalaheda, Kheda, Karanpura, Rakiakheda, Deopur, Dhanora, Gulana, Bemanheda, Jaisinghpura, Padawas, Man-keshwar, Haripura, Nilwadah (Charsa), Dhamancha, Kalda.

2. Amalheda village of Tehsil Sheopur in District Morena.

In confirmation whereof His Highness Raj Rajendra Sri Maharajadhiraja Sawai Sir Man Singhji Bahadur, Rajpramukh of the United State of Rajasthan and His Highness Maharajadhiraja Sir George Jivaji Rao Scindhia Bahadur, Rajpramukh of Madhya Bharat, have appended their signatures hereto.

SAWAI MAN SINGHI,

*His Highness the Rajpramukh  
of Rajasthan.*

J. R. SCINDIA,

*His Highness the Rajpramukh  
of Madhya Bharat.*

The Government of India hereby concur in the above Agreement.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States appends his signature on behalf, and with the authority, of the Government of India.

V. P. MENON,

*Secretary to the Government of India,  
Ministry of States.*

APPENDIX LIV  
**MINISTRY OF STATES**  
NOTIFICATIONS

*New Delhi, the 24th January, 1950*

**No. 12.-P.**—The following Proclamations issued by the Rajpramukhs of the Unions of Patiala and East Punjab States, Saurashtra, Travancore-Cochin, Rajasthan and Madhya Bharat and the Rulers of the Hyderabad, Mysore and Jammu and Kashmir States are published for general information:—

PROCLAMATION FOR PATIALA AND EAST PUNJAB STATES

*Motibagh Palace, Patiala, the 24th November, 1949*

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India, will stand repealed;

AND WHEREAS, in the best interests of the State of Patiala and East Punjab States, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should not only be continued as between this State and the contemplated Union of India but further strengthened, and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of this State, provides a suitable basis for doing so;

I now hereby declare and direct:

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the Patiala and East Punjab States as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

That the provision of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

YADAVENDRA SINGH,

Maharajadhiraj Mahendra Bahadur,

Rajpramukh,

Patiala & East Punjab States Union, Patiala.

B. R. PATEL,

Chief Secretary to Government,

Patiala & East Punjab States Union, Patiala.

## PROCLAMATION FOR SAURASHTRA

*Dhrangadhra, the 13th November, 1949*

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India will stand repealed;

AND WHEREAS, in the best interests of the State of Saurashtra, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should not only be continued as between this State and the contemplated Union of India but further strengthened, and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of the State, provides a suitable basis for doing so;

AND WHEREAS, the Constituent Assembly of Saurashtra constituted under the provisions of the Covenant establishing this State, has recommended that the Constitution framed by the Constituent Assembly of India should be adopted by this State;

I now hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the constitution for the State of Saurashtra as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

MAYURDEHWAJ SINHI,

*Maharaja Raj Saheb of Dhrangadhra,  
Raj Pramukh of Saurashtra.*

## PROCLAMATION

BY

MAJOR GENERAL HIS HIGHNESS SRI PADMANABHA DASA VANCHI PALA SIR BALA RAMA VARMA KULASEKHARA KIRITAPATI MANNEY SULTAN MAHA-RAJA RAMA RAJA BAHADUR SHAMSHER JANG, KNIGHT GRAND COMMANDER OF THE MOST EXALTED, ORDER OF THE STAR OF INDIA, KNIGHT GRAND COMMANDER OF THE MOST EMINENT ORDER OF THE INDIAN EMPIRE, D. LITT., RAJ PRAMUKH OF THE UNITED STATE OF TRAVANCORE & COCHIN, ISSUED UNDER DATE THE 9TH VRISCHIGOM 1125 CORRESPONDING TO THE 24TH NOVEMBER 1949.

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India will stand repealed;

AND WHEREAS, in the best interests of the United State of Travancore and Cochin, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should not only be continued as between this State and the contemplated Union of India further strengthened, and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of this State, provides a suitable basis for doing so;

AND WHEREAS by virtue of the power vesting in it under the Covenant establishing this State, the Legislative Assembly of the State has resolved that the Constitution framed by the Constituent Assembly of India be adopted by this State;

I now hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the United State of Travancore and Cochin as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions:

That the provisions of the said Constitution shall as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

RAMA VARMA,  
Raj Pramukh.

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# PROCLAMATION FOR THE UNITED STATE OF RAJASTHAN

*Jaipur, the 23rd November, 1949*

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India, will stand repealed;

AND WHEREAS, in the best interests of the State of Rajasthan, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should not only be continued as between this State and the contemplated Union of India but further strengthened, and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of this State, provides a suitable basis for doing so;

I now hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the Rajasthan State as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

MAHARAJA SAWAI MAN SINGH,

*Raj Pramukh.*

# PROCLAMATION FOR MADHYA BHARAT

*Gwalior, the 24th November, 1949*

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India, will stand repealed;

AND WHEREAS, in the best interests of the State of Madhya Bharat, which is closely linked with the rest of India by a community of interests

in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should not only be continued as between this State and the contemplated Union of India but further strengthened, and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of this State, provides a suitable basis for doing so;

I, Jiwajirao Madhavrao Scindia, Raj Pramukh of the Madhya Bharat, now hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the Madhya Bharat as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

JIWAJIRAO MADHAVRAO SCINDIA,

*Raj Pramukh.*

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#### HYDERABAD FARMAN

*Dated the 23rd November, 1949*

WHEREAS in the best interests of the State of Hyderabad, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that a constitutional relationship should be established between this State and the contemplated Union of India;

AND WHEREAS, the Constitution of India, as drafted by the Constituent Assembly of India, provides a suitable basis for this State to enter into such a constitutional relationship with the Indian Union as also for re-ordering the internal constitutional structure of the State;

I hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the State of Hyderabad as for the other parts of India, and shall be enforced as such by me, my heirs and successors in accordance with the tenor of its provisions and that the provisions of the said Constitution shall, as from the date of its



commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

(2) I further declare that the above decision which I have taken after mature consideration in order to ensure for the people of Hyderabad the benefits of an honourable partnership in a united and democratic India, shall, in view of its far-reaching consequences, be subject to ratification by the people of this State whose will as expressed through the Constituent Assembly of the State proposed to be constituted shortly must finally determine the nature of the relationship between this State and the Union of India, as also the Constitution of the State itself.

NIZAM VII.

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## PROCLAMATION

OF

HIS HIGHNESS MAHARAJA SRI JAYA CHAMARAJENDRA  
WADIYAR BAHADUR OF MYSORE

*This twenty-fifth day of November, one thousand nine hundred and forty-nine, in the tenth year of my rule.*

WHEREAS by a Proclamation dated the 29th October, 1947, I ordained that my Ministry should set up a Constituent Assembly composed of elected Representatives of the people and entrust it with the task of framing of a Constitution Bill for the State of Mysore;

AND WHEREAS the Constituent Assembly so set up has recommended that in the Constitution of India now being framed by the Constituent Assembly of India which includes duly appointed representatives of this State, there should be incorporated such constitutional provisions as are approved by that body for, and in relation to the governance of this State, and that the constitution so framed should be adopted by this State;

I now hereby ordain—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall be the Constitution for the State of Mysore as for the other parts of India and shall be enforced as such by me, my heirs and successors in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State;

That both Houses of the Legislature of Mysore as at present constituted shall be dissolved on the fifteenth day of December, 1949;

That thereafter, and until such time as the House or Houses of the Legislature of Mysore has or have been duly constituted and summoned to meet for the first session under the provisions of the Constitution of India, there shall be only one House of the Legislature to be known as the Legislative Assembly of Mysore;

That the constitution of the said Legislative Assembly of Mysore shall in all respects be the same as the constitution of the Constituent Assembly of Mysore, all members of which shall, on the sixteenth day of December, 1949 become members of the said Legislative Assembly of Mysore.

JAYA CHAMARAJENDRA WADIYAR,

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## PROCLAMATION FOR THE STATE OF JAMMU AND KASHMIR

*Dated the 25th November, 1949*

WHEREAS with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and the Dominion of India will stand repealed;

AND WHEREAS, in the best interests of this State, which is closely linked with the rest of India by a community of interests in the economic, political and other fields, it is desirable that the constitutional relationship established between this State and the Dominion of India, should be continued as between this State and the contemplated Union of India; and the Constitution of India as drafted by the Constituent Assembly of India, which includes duly appointed representatives of this State, provides a suitable basis for doing so;

I now hereby declare and direct—

That the Constitution of India shortly to be adopted by the Constituent Assembly of India shall in so far as it is applicable to the State of Jammu and Kashmir, govern the constitutional relationship between this State and the contemplated Union of India and shall be enforced in this State by me, my heirs and successors in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which are at present in force in this State.

KARAN SINGH

*Yuvaraj,*

*Regent of Jammu & Kashmir.*

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C. GANESAN, Dy. Secy.

## APPENDIX LV

### SUPPLEMENTARY COVENANT FOR AUTHORISING THE CONSTITUENT ASSEMBLY OF INDIA TO FRAME CONSTITUTION FOR THE UNION OF SAURASHTRA

WHEREAS it is expedient that the Covenant entered into by us, the Rulers of Kathiawar States, for the formation of the United State of Kathiawar, subsequently renamed as the United State of Saurashtra, should be modified for the purposes and in the manner hereinafter appearing;

WE, the said Rulers, do hereby, with the concurrence of the Government, modify the said Covenant for the purposes and in the manner hereinafter appearing;

#### *Article I*

Notwithstanding anything contained in the original Covenant, the Constitution of India shortly to be adopted by the Constituent Assembly of India, shall be the Constitution for Saurashtra, and shall be enforced as such in accordance with the tenor of its provisions.

#### *Article II*

(1) Paragraph (2) of Article IX of the original Covenant shall cease to have effect, and paragraph (3) thereof shall be modified by substituting for the words "Until a Constitution so framed comes into operation after receiving the assent of the Rajpramukh", the words and figures "Until the twentieth day of January, 1950".

(2) References in the other Articles of the original Covenant to the Constitution framed thereunder shall be construed as references to the Constitution of India.

#### *Article III*

(1) As from the twentieth day of January, 1950 and until the Legislature of Saurashtra is duly constituted under the Constitution of India, there shall be an interim Legislature of the State consisting of the Rajpramukh, and the Constituent Assembly of the State formed in pursuance of paragraph (1) of Article IX of the original Covenant.

(2) The said Constituent Assembly shall on and from the 20th January, 1950, be known as the interim Legislative Assembly of Saurashtra.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

(Sd.)

*Rulers of United State of Kathiawar.*

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

*Adviser to the Government of India,  
Ministry of States.*

### PATIALA AND EAST PUNJAB STATES UNION

WHEREAS it is expedient that the Covenant entered into by us, the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh, for the formation of Patiala and East Punjab States Union, should be modified for the purpose and in the manner hereinafter appearing;

WE, the said Rulers, do hereby, with the concurrence of the Government of India, enter into the following Supplementary Covenant:—

#### *Article I*

Notwithstanding anything contained in the original Covenant, the Constitution of India adopted by the Constituent Assembly of India shall be the Constitution for the Patiala and East Punjab States Union, and shall be enforced as such in accordance with the tenor of its provisions.

#### *Article II*

(1) For Article X of the original Covenant the following shall be substituted:—

“Until the commencement of the Constitution of India, the legislative authority of the Union shall vest in the Rajpramukh, who may promulgate Ordinances for the peace and good Government of the Union or any part thereof, and any Ordinance so made shall have the like force of law as an Act passed by the Legislature of the Union”.

(2) References in the other Articles of the original Covenant to the Constitution framed thereunder shall be construed as references to the Constitution of India.

#### *Article III*

Schedule II to the original Covenant shall be omitted.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, ours heirs and successors.

(Sd.)

*Rulers of Patiala and East Punjab  
States Union.*

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

(Sd.)

V. P. Menon,

Secretary to the Government of India,

Ministry of States.

### RAJASTHAN

Entered into by the Rulers of the States forming the United State of Rajasthan.

WHEREAS it is expedient that the Covenant entered into by us, the Rulers of Rajasthan States, for the reconstitution of the United State of Rajasthan. should be modified for the purposes and in the manner hereinafter appearing:—

WE, the said Rulers, do hereby, with the concurrence of the Government of India, enter into the following Supplementary Covenant:—

#### *Article I*

Notwithstanding anything contained in the original Covenant, the Constitution of India shortly to be adopted by the Constituent Assembly of India, shall be the Constitution for the United State of Rajasthan, and shall be enforced as such in accordance with the tenor of its provisions.

#### *Article II*

(1) Paragraphs (1) and (2) of Article X of the original Covenant shall cease to have effect, and paragraph (3) thereof shall be modified by substituting for the words "Until a Constitution so framed comes into operation after receiving the assent of the Rajpramukh", the words "Until the Legislative Assembly of Rajasthan has been duly constituted and summoned to meet for the first session under the provisions of the Constitution of India."

(2) References in the other Articles of the original Covenant to the Constitution framed thereunder shall be construed as references to the Constitution of India.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors.

(Sd.)

Rulers of Rajasthan.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

Adviser to the Government of India,  
Ministry of States.

## MADHYA BHARAT

WHEREAS it is expedient that the Covenant entered into by us, the Rulers of Gwalior, Indore and certain other States in Central India, for the constitution of the United State of Madhya Bharat, should be modified for the purpose and in the manner hereinafter appearing:—

WE, the said Rulers, do hereby, with the concurrence of the Government of India, enter into the following Supplementary Covenant:—

### *Article I*

Notwithstanding anything contained in the original Covenant, the Constitution of India adopted by the Constituent Assembly of India shall be the Constitution for the United State of Madhya Bharat, and shall be enforced as such in accordance with the tenor of its provisions; and accordingly all references in the original Covenant to the Constitution framed thereunder shall be construed as references to the Constitution of India.

### *Article II*

In Article X of the original Covenant—

(a) for paragraph (1), the following paragraph shall be substituted and shall be deemed always to have been substituted, namely:—

“(1) There shall be a Legislature for the United State consisting of the Rajpramukh and a Legislative Assembly”; and

(b) in paragraph (3) for the words beginning with the words “Upon the formation” and ending with the words “assent of the Rajpramukh”, the words “Until the commencement of the Constitution of India” shall be substituted, and the words “Or as the case may be, the Constitution Assembly” shall be omitted.

### *Article III*

Schedule III to the original Covenant shall be omitted.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors.

(Sd.)

Rulers of Madhya Bharat.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

(Sd.)

V. P. Menon,

Secretary to the Government of India,  
Ministry of States.



## APPENDIX LVI

### THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 1950

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 1950.

(2) It shall come into force at once.

2. For the purposes of sub-clause (b) (i) of clause (1) of article 370 of the Constitution, the matters specified in the First Schedule to this Order, being matters in the Union List, are hereby declared to correspond to matters specified in the Instrument of Accession governing the accession of the State of Jammu and Kashmir to the Dominion of India as the matters with regard to which the Dominion Legislature may make laws for that State; and accordingly, the power of Parliament to make laws for that State shall be limited to the matters specified in the said First Schedule.

3. In addition to the provisions of article 1 and article 370 of the Constitution, the only other provisions of the Constitution which shall apply in relation to the State of Jammu and Kashmir shall be those specified in the Second Schedule to this Order, and shall so apply subject to the exceptions and modifications specified in the said Schedule.

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#### THE FIRST SCHEDULE

*(See paragraph 2)*

[*Note.*—The number of each entry in this Schedule is the number of the corresponding entry in the Union List.]

1. Defence of India and every part thereof including preparation for defence.

2. Naval, military and air forces: and other armed forces of the Union.

3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives
6. Atomic energy for the purpose of defence and mineral resources necessary for its production.
9. Preventive detention for reasons connected with Defence, Foreign Affairs or the security of India.
10. Foreign Affairs; all matters which bring the Union into relation with any foreign country.
11. Diplomatic, consular and trade representation.
12. United Nations Organisation.
13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.
15. War and peace.
16. Foreign jurisdiction
17. Naturalisation and aliens.
18. Extradition.
19. Admission into, and emigration and expulsion from, India; passports and visas.
20. Pilgrimages to places outside India.
21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or on the high seas or in the air.
22. Railways, but as respects any railway owned by the State of Jammu and Kashmir, and either operated by that State or operated on its behalf otherwise than in accordance with a contract with the State by the Government of India, limited to the regulation thereof in respect of safety, maximum and minimum rates and fares, station and service terminal charges, inter-change of traffic and the responsibility of the railway administration as carriers of goods and passengers, and as respects any railway which is wholly situate within the State and does not form a continuous line of communication with a railway owned by the Government of India, whether of the same gauge or not, limited to the regulation thereof in respect of safety and the responsibility of the railway administration as carriers of goods and passengers.

25. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.

26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

29. Airways, aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air.

31. Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication.

41. Trade and commerce with foreign countries.

72. Elections to Parliament, and the offices of President and Vice-President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States, and the Speaker and Deputy Speaker of the House of the People.

74. Powers, privileges and immunities of each House of Parliament and of the members and the committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committee of Parliament or commissions appointed by Parliament.

75. Salaries and allowances of the Ministers for the Union; the salaries, allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

76. Audit of the accounts of the Union.

77. Constitution and organisation of the Supreme Court, and the fees taken therein; persons entitled to practise before the Supreme Court.

Extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

93. Offences against laws with respect to any of the matters aforesaid.

94. Inquiries and statistics for the purpose of any of the matters aforesaid.

95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters aforesaid, but, except with the consent of the State Government, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in, or in relation to, the State; admiralty jurisdiction.

96. Fees in respect of any of the matters aforesaid, but not including fees taken in any court

## THE SECOND SCHEDULE

(See paragraph 3)

Provisions of the Constitution applicable	Exceptions	Modifications
Part V . . . . .	Articles 72(1)(c), 72 (3), 133, 134, 135, 136, 138, 145 (1) (c) and 151(2).	(1) Articles 80 and 81 shall apply subject to the modification that the representatives of the State in the Council of States and the House of the People, respectively, shall be chosen by the President in consultation with the Government of the State.  (2) Articles 149 and 150 shall apply subject to the modification that the references therein to the State shall be construed as not including the State of Jammu and Kashmir.
Part XI . . . . .	Articles 247 to 252 clauses (3) and (4) of article 257 and articles 260, 262 and 263.	(1) Clause (1) of article 246 shall apply subject to the provisions of paragraph 2 of this Order, and clauses (2) and (3) of article 246 shall not apply in relation to the State.  (2) Clause (1) of article 259 shall apply subject to the modification that after the words "until Parliament by law otherwise provides", the words "and the concurrence of the State to such law has been obtained" shall be deemed to be inserted.

Provisions of the Constitution applicable	Exceptions	Modifications
Part XII	Articles 264 and 265, clause (2) of article 267, articles 268 to 281, clause (2) of article 283, articles 286 to 291, 293, 295, 296, and 297.	(1) Article 266 shall apply only in so far as it relates to the Consolidated Fund of India and the public account of India. (2) Articles 282 and 284 shall apply only in so far as they relate to the Union or the public account of India. (3) Articles 298, 299 and 300 shall apply only in so far as they relate to the Union or the Government of India.
Part XV	Articles 325 to 329.	Article 324 shall apply only in so far as it relates to elections to Parliament and to the offices of the President and Vice-President.
Part XVI	Articles, 332, 333, and 337 to 342.	(1) Article 330 shall apply only in so far as it relates to seats reserved for Scheduled Castes. (2) Article 334 shall apply only in so far as it relates to the House of the People. (3) Article 335 shall apply only in so far as it relates to the Union.
Part XVII	Nil	The provisions of this Part shall apply only in so far as they relate to the official language of the Union and to proceedings in the Supreme Court.
Part XIX	Articles 362, 363 and 365.	(1) Article 361 shall apply only in so far as it relates to the President. (2) Article 364 shall apply only in so far as it relates to the laws made by Parliament.
Part XX	Nil	Article 368 shall apply subject to the additional proviso:  "Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370."
Part XXI	Articles 369, 371 and 373, clause (4) of article 374, articles 376 and 378 and clause (2) of article 388.	(1) In clause (3) of article 379 after the words "Minister for any such State", the words "other than the State of Jammu and Kashmir" shall be deemed to be inserted.

Provisions of the Constitution applicable	Exceptions	Modifications
		(2) Article 389 shall apply only in so far as it relates to Bills pending in the Dominion Legislature.
		(3) Article 390 shall apply only in so far as it relates to the Consolidated Fund of India.
Part XXII . . . Nil . . .		Nil.
First Schedule . . Nil . . .		Nil.
Second Schedule . Paragraph 6 . .		Nil.
Third Schedule . Forms V, VI, VII and VIII.		Nil.
Fourth Schedule . Nil. . . .		Nil.
Eighth Schedule . Nil . . . .		Nil.

RAJENDRA PRASAD,

*President.*

K. V. K. SUNDARAM,

*Secretary.*

## APPENDIX LVII

### AGREEMENT WITH H. E. H. THE NIZAM OF HYDERABAD REGARDING PRIVY PURSE, PRIVATE PROPERTY AND RIGHTS AND PRIVILEGES.

AGREEMENT made this twenty-fifth day of January, 1950, between His Excellency the Governor General of India (which expression shall include the Government of India and his and its successors in office) and His Exalted Highness the Nizam of Hyderabad (which expression shall include his heirs, executors, administrators and assigns).

WHEREAS it has been decided that the Constitution of India adopted by the Constituent Assembly of India shall be the Constitution for the State of Hyderabad as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

AND WHEREAS it is expedient that the rights, privileges and dignities, including the dynastic succession and the privy purse, of His Exalted Highness the Nizam of Hyderabad shall be determined by agreement between him and the Government of India;

IT IS HEREBY agreed as follows:—

#### *Article I*

(1) His Exalted Highness the Nizam of Hyderabad shall, with effect from the first day of April 1950, be entitled to receive annually for his privy purse the sum of Rs. 50,00,000 (Rupees fifty lakhs), free of all taxes:

Provided that the sum specified above shall be payable only to the present Nizam of Hyderabad for his life-time, and not to his successors, for whom provision will be made subsequently by the Government of India.

(2) The said amount is intended to cover all the expenses of His Exalted Highness the Nizam of Hyderabad and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies etc., and will neither be increased nor reduced for any reason whatsoever.

(3) The said amount shall be payable to the Nizam of Hyderabad in four equal instalments at the beginning of each quarter in advance.

(4) The payment of the said amount as herein provided is guaranteed by the Government of India.

*Article II*

(1) His Exalted Highness the Nizam of Hyderabad shall be entitled to the full ownership, use and enjoyment of all the jewels, jewellery, ornaments, shares, securities and other private properties, moveable as well as immoveable (as distinct from State properties) belonging to him on the date of this Agreement.

(2) His Exalted Highness the Nizam of Hyderabad has furnished to the Government of India lists of all the moveable and immoveable properties held by him as such private properties.

(3) If any dispute arises as to whether any item of property is the private property of His Exalted Highness the Nizam of Hyderabad or State property, it shall be referred to such independent person as the Government of India may nominate and the decision of that person shall be final and binding on all concerned.

*Article III*

His Exalted Highness the Nizam of Hyderabad and the members of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State immediately before the fifteenth day of August, 1947.

*Article IV*

The Government of India guarantees the succession according to law and custom to the *gaddi* of the State and to the personal rights, privileges, dignities and titles of His Exalted Highness the Nizam of Hyderabad.

In confirmation whereof, Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Exalted Highness Nawab Sir Mir Osman Ali Khan Bahadur, the Nizam of Hyderabad, has appended his signature on behalf of himself, his heirs, and successors.

(Sd.) MIR OSMAN ALI KHAN,

*Nizam VII.*

(Sd.) V. P. MENON,

*Secretary, Ministry of States.*



## APPENDIX LVIII

### AGREEMENT WITH HIS HIGHNESS THE MAHARAJA OF MYSORE REGARDING PRIVY PURSE, PRIVATE PROPERTY AND RIGHTS AND PRIVILEGES.

AGREEMENT made this twenty third day of January, 1950, between His Excellency the Governor-General of India and His Highness the Maharaja of Mysore.

WHEREAS it has been decided that the Constitution of India, adopted by the Constituent Assembly of India shall be the Constitution for the State of Mysore as for the other parts of India and shall be enforced as such in accordance with the tenor of its provisions;

AND WHEREAS the Constituent Assembly of Mysore at its Sixth Session has recommended that the rights, privileges and dignities, including the dynastic succession and the privy purse, of His Highness the Maharaja of Mysore shall be determined by agreement between him and the Government of India;

IT IS HEREBY agreed as follows:—

#### *Article I*

(1) The Maharaja of Mysore shall, with effect from the first day of April, 1950, be entitled to receive annually for his privy purse the sum of Rs. 26,00,000 (Rupees twenty-six lakhs) free of all taxes:

Provided that the sum specified above shall be payable only to the present Maharaja of Mysore for his life-time, and not to his successors, for whom provision will be made subsequently by the Government of India.

(2) The said amount is intended to cover all the expenses of the Maharaja and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased or reduced for any reason whatsoever.

(3) The said amount shall be payable to the Maharaja in four equal instalments at the beginning of each quarter in advance.

(4) The payment of the said amount as herein provided is guaranteed by the Government of India.

#### *Article II*

(1) The Maharaja shall be entitled to the full ownership, use and

enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

(2) The Maharaja will furnish to the Government of India before the twenty third day of January, 1950, an inventory of all the immoveable property, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Maharaja or State property, it shall be referred to such person as the Government of India may nominate and the decision of that person shall be final and binding on all concerned.

### *Article III*

The Maharaja and the members of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State immediately before the fifteenth day of August 1947.

### *Article IV*

The Government of India guarantees the succession according to law and custom to the *gaddi* of the State and to the personal rights, privileges dignities and titles of the Maharaja.

In confirmation whereof, I, Vappal Panguni Menon Secretary to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Sir Sri Jaya Chamaraja Wadiyar Bahadur, Maharaja of Mysore, has appended his signature on behalf of himself, his heirs and successors.

(Sd.) JAYA CHAMARAJA WADIYAR.

*Maharaja of Mysore.*

(Sd.) V. P. MENON,

*Secretary to the Government of India  
in the Ministry of States.*

# **APPENDIX LIX**

**Statement showing the annual Privy Purse amounts guaranteed to Rulers  
of Indian States**

## *States merged in Orissa*

	Rs.
Athgarh . . . . .	36,100
Athmallik . . . . .	48,500
Bamra . . . . .	95,300
Baramba . . . . .	22,700
Baudh . . . . .	69,300
Bonai . . . . .	52,800
Daspalla . . . . .	33,500
Dhenkanal . . . . .	89,700
Gangpur . . . . .	1,35,100
Hindol . . . . .	32,000
Kalahandi . . . . .	1,14,000
Keonjhar . . . . .	1,11,500
Khandpara . . . . .	33,600
Mayurbhanj . . . . .	3,27,400
Narsinghpur . . . . .	28,100
Nayagarh . . . . .	62,800
Nilgiri . . . . .	40,000
Pal Lahara . . . . .	25,000
Patna . . . . .	2,49,600
Rairakhol . . . . .	29,700
Ranpur . . . . .	25,000
Sonepur . . . . .	76,700
Talcher . . . . .	62,500
Tigiria . . . . .	11,200
<b>TOTAL</b> . . . . .	<b>18,12,100</b>

## *States merged in Bihar*

Kharsawan . . . . .	33,000
Seraikhela . . . . .	88,900
<b>TOTAL</b> . . . . .	<b>1,21,900</b>

## *States merged in Madhya Pradesh*

Nandgaon . . . . .	3,53,650
Bastar . . . . .	2,10,100
Kanker . . . . .	68,700
Udaipur . . . . .	50,000
Sakti . . . . .	29,000
Ohhuikhadan . . . . .	20,300

	Rs.
Raigarh . . . . .	1,72,600
Kawardha . . . . .	63,800
Sarangarh . . . . .	63,600
Korea . . . . .	2,78,700
Khairagarh . . . . .	1,02,300
Surguja . . . . .	1,45,300
Jashpur . . . . .	66,800
Changbhakar . . . . .	17,300
Makrai . . . . .	25,000
<b>TOTAL . . . . .</b>	<b>16,66,650</b>

*States merged in the Punjab*

Loharu . . . . .	50,000
Dujana . . . . .	34,000
Pataudi . . . . .	48,000
<b>TOTAL . . . . .</b>	<b>1,32,000</b>

*States merged in Madras*

Banganapalle . . . . .	53,900
Pudukkottai . . . . .	2,66,500
Sandur . . . . .	90,000
<b>TOTAL . . . . .</b>	<b>4,10,400</b>

*States merged in Bombay*

Ambaliara . . . . .	26,000	Provisional
Balasinor . . . . .	68,000	
Bansda . . . . .	1,60,000	
Baria . . . . .	2,25,000	
Bhaderva . . . . .	29,300	Provisional
Cambay . . . . .	1,38,000	
Chhota Udepur . . . . .	2,12,000	
Danta . . . . .	92,000	
Dharampur . . . . .	1,50,000	
Ghodasar . . . . .	22,600	
Idar . . . . .	3,28,000	
Ilol . . . . .	8,750	Provisional
Jambughoda . . . . .	70,000	
Jawhar . . . . .	1,24,000	
Khadal . . . . .	14,500	
Katosan . . . . .	12,100	
Lunawada . . . . .	1,31,000	
Malpur . . . . .	40,600	
Mohanpur . . . . .	15,310	Provisional
Mansa . . . . .	40,000	Provisional
Palanpur . . . . .	2,75,000	

	Rs.	
Punadra . . . . .	8,100	
Radhanpur . . . . .	1,29,000	
Ranasan . . . . .	17,100	
Rajpipla . . . . .	3,97,946	
Sachin . . . . .	72,000	
Sant . . . . .	1,12,000	
Sudasna . . . . .	28,000	Provisional
Surgana . . . . .	30,000	
Valasna . . . . .	10,660	Provisional
Varsoda . . . . .	12,500	
Vasna . . . . .	15,100	
Vijayanagar . . . . .	50,000	
Wao . . . . .	30,520	Provisional
Sanjeli . . . . .	29,150	Provisional
Tharad . . . . .	35,000	Provisional
Vakhtapur . . . . .	4,700	
Likhi . . . . .	2,690	Provisional
Mandva . . . . .	18,720	Provisional
Dedhrota . . . . .	2,140	Provisional
Hapa . . . . .	2,560	Provisional
Sathamba . . . . .	18,800	
Umeta . . . . .	19,200	Provisional
Magodi . . . . .	6,700	
Palaj . . . . .	3,500	
Tajpuri . . . . .	2,530	Provisional
Prempur . . . . .	2,860	Provisional
Kurundwad (Junior)	56,000	
(two shareholders)		
Akalkot . . . . .	73,783	
Savanur . . . . .	30,316	
Miraj (Senior) . . . . .	85,800	
Miraj (Junior) . . . . .	50,454	
Mudhol . . . . .	55,300	
Phaltan . . . . .	1,40,442	
Sangli . . . . .	2,62,639	
Aundh . . . . .	75,212	
Ramdurg . . . . .	32,486	
Bhor . . . . .	89,042	
Jamkhandi . . . . .	91,163	
Jath . . . . .	49,924	
Kurundwad (Senior) . . . . .	49,924	
Sawantwadi . . . . .	1,07,500	
Wadi Jagi . . . . .	6,000	
Janjira . . . . .	1,33,500	
Baroda . . . . .	26,50,000*	
Kolhapur . . . . .	10,00,000	
<b>TOTAL</b>	<b>82,83,121</b>	

*States merged in Uttar Pradesh*

	Rs.
Tehri Garhwal . . . . .	3,00,000
Benaras . . . . .	2,80,000
Rampur . . . . .	7,00,000 (Rs. 6,60,000 for successors)
<b>TOTAL</b> .	<b>12,80,000</b>

*State merged in West Bengal*

Cooch Behar . . . . .	3,50,000 (Rs. 7,00,000 for successors)
<b>TOTAL</b> .	<b>8,50,000</b>

*States constituting the Patiala and East Punjab States Union*

Patiala . . . . .	[17,00,000*
Kapurthala . . . . .	2,70,000
Nabha . . . . .	4,10,000
Jind . . . . .	3,28,100
Faridkot . . . . .	3,81,400
Kalsia . . . . .	65,000
Nalagarh . . . . .	60,000 (Rs. 45,000 for successors)
Malerkotla . . . . .	1,10,000
<b>TOTAL</b> .	<b>33,24,500</b>

*States constituting Travancore-Cochin*

Travancore . . . . .	18,00,000*
Cochin . . . . .	2,35,000
<b>TOTAL</b> .	<b>20,35,000</b>

*States constituting Madhya Bharat*

Gwalior . . . . .	25,00,000*
Indore . . . . .	15,00,000*

	Rs.
Alirajpur . . . . .	95,000
Barwani . . . . .	1,45,000
Dewas (Senior) . . . . .	1,45,000
Dewas (Junior) . . . . .	1,80,000
Dhar . . . . .	2,90,000
Jaora . . . . .	1,75,000
Jhabua . . . . .	1,27,000
Jobat . . . . .	32,500
Kathiwara . . . . .	32,000
Khilohipur . . . . .	60,000
Kurwai . . . . .	60,000
	(48,000 for successors)
Narsingarh . . . . .	1,15,000
Rajgarh . . . . .	1,40,000
Ratlam . . . . .	1,50,000
Sailana . . . . .	70,000
Sitamau . . . . .	48,000
Mathwar . . . . .	6,000
Piploda . . . . .	30,000
Pathari . . . . .	18,250
Muhammadgarh . . . . .	12,000
Nimkhera . . . . .	20,000
Jamnia . . . . .	12,000
Rajgarh . . . . .	5,000
<b>TOTAL</b> . . . . .	<b>59,67,750</b>

*States constituting Rajasthan*

Alwar . . . . .	5,20,000
Bharatpur . . . . .	5,02,000
Dholpur . . . . .	2,64,000
Karauli . . . . .	1,05,000
Banswara . . . . .	1,26,000
Bundi . . . . .	2,81,000
Dungarpur . . . . .	1,98,000
Jhalawar . . . . .	1,36,000
Kishengarh . . . . .	1,36,000
Kotah . . . . .	7,00,000
Mewar . . . . .	10,00,000
Partabgarh . . . . .	1,02,000
Shahpura . . . . .	90,000
Tonk . . . . .	2,78,000
Jaipur . . . . .	18,00,000*
Jaisalmer . . . . .	1,80,000
Bikaner . . . . .	17,00,000*
Jodhpur . . . . .	17,50,000*
Lawa . . . . .	12,500

	Rs.
Kushalgarh . . . . .	34,775
Nimrana . . . . .	15,000
Sirohi . . . . .	2,12,600 (a portion merged in Bombay)

TOTAL . . . . .	101,42,875
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*States constituting Saurashtra*

Nawanagar . . . . .	10,00,000
Bhavnagar . . . . .	10,00,000
Porbandar . . . . .	3,80,000
Dhrangadhra . . . . .	3,80,000
Morvi . . . . .	8,00,000
Gondal . . . . .	8,00,000
Jafrabad . . . . .	16,000
Wankaner . . . . .	1,80,000
Palitana . . . . .	1,80,000
Dhrol . . . . .	1,10,000
Limbdi . . . . .	2,30,000
Rajkot . . . . .	2,85,000
Wadhwan . . . . .	1,42,000
Lakhtar . . . . .	91,000
Sayla . . . . .	62,500
Chuda . . . . .	51,250
Vala . . . . .	88,750
Jasdan . . . . .	1,60,000
Amarnagar Thana Devli . . . . .	1,00,000
Vadia . . . . .	78,250
Lathi . . . . .	77,500
Muli . . . . .	53,000
Bajana . . . . .	65,500
Virpur . . . . .	44,500
Maliya . . . . .	47,500
Kotda Sangani . . . . .	67,000
Jetpur . . . . .	1,21,536
Bilkha . . . . .	1,00,000
Patdi . . . . .	20,000
Khirasra . . . . .	30,000
Vanod . . . . .	38,430
Barwala . . . . .	36,510
Katodia . . . . .	192
Lodhika . . . . .	15,690
Vasavad . . . . .	34,400
Jalia Devana . . . . .	16,135
Zainabad . . . . .	33,800
Vithalgadh . . . . .	(Under consideration)

TOTAL . . . . .	69,26,443
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## States merged to form centrally administered areas

	Rs.	Rs.
<i>Himachal Pradesh</i>		
Tharoch . . . . .	18,100	
Chamba . . . . .	1,38,000	
Mandi . . . . .	2,20,000	
Suket . . . . .	60,000	
Keonthal . . . . .	39,700	
Sirmur . . . . .	1,35,000	
Baghat . . . . .	80,000	
Balsan . . . . .	11,250	
Bashahr . . . . .	80,000	
Jubbal . . . . .	1,01,000	
Mahlog . . . . .	16,500	
Dhami . . . . .	15,760	
Bhajji . . . . .	16,000	
Kuthar . . . . .	9,000	
Kumarsain . . . . .	15,500	
Baghal . . . . .	18,700	
Mangal . . . . .	3,000	2,400 for successors.
Kunihar . . . . .	4,200	3,600 for successors.
Darkoti . . . . .	3,000	2,400 for successors.
Sangri . . . . .	4,200	3,600 for successors.
Beja . . . . .	3,000	2,400 for successors.
Delath . . . . .	3,000	2,400 for successors.
Ratesh . . . . .	3,000	do.
Rawingorh . . . . .	3,000	do.
Dhadi . . . . .	3,000	do.
Ghund . . . . .	4,200	3,600 for successors.
Khaneti . . . . .	4,400	
Madhan . . . . .	5,200	
Theog . . . . .	20,000	
Koti . . . . .	27,250	
<i>Bhopal</i> . . . . .	11,00,000	9,00,000 for successors.
<i>Bilaspur</i> . . . . .	70,000	
<i>Kutch</i> . . . . .	8,00,000	
<i>Tripura</i> . . . . .	3,30,000	
<i>Manipur</i> . . . . .	3,00,000	

Rs.

*Uindhya Pradesh*

Ajaigarh . . . . .	74,700
Baoni . . . . .	46,850
Baraundha . . . . .	14,500
Bijawar . . . . .	70,700
Chhatarpur . . . . .	1,00,350
Charkhari . . . . .	95,900
Datia . . . . .	1,54,300
Maihar . . . . .	56,500
Nagod . . . . .	55,400
Orehla . . . . .	1,85,300
Panna . . . . .	1,47,300
Rewa . . . . .	10,00,000
Samthar . . . . .	51,800
Alipura . . . . .	28,150
Banka Palhari . . . . .	3,000
Beri . . . . .	7,750
Bhaisaunda . . . . .	5,600
Bihat . . . . .	5,600
Bijna . . . . .	3,000
Dhurwai . . . . .	5,000
Garrauli . . . . .	10,050
Gaurihar . . . . .	15,000
Jaso . . . . .	8,600
Jigni . . . . .	5,950
Kamta Rajaula . . . . .	5,000
Khaniadham . . . . .	15,600
Kothi . . . . .	15,400
Lugasi . . . . .	10,100
Naigawan Rehai . . . . .	5,000
Pahara . . . . .	5,300
Paldeo (Nayagaon) . . . . .	10,400
Sarila . . . . .	18,650
Sohawal . . . . .	25,900
Taraon . . . . .	5,850
Tori Fatehpur . . . . .	7,000

TOTAL . . . . .	<u>59,40,460</u>
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*States which have not been affected by merger schemes*

Hyderabad . . . . .	50,00,000*
Mysore . . . . .	<u>26,00,000*</u>
TOTAL . . . . .	<u>76,00,000</u>

\*Note : The amounts fixed in these cases are only for the life time of the present Rulers.